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ABSTRACT

Recognizing the importance of efficient and effective program administration for the success of Utah's Child Nutrition Programs, the State Office of Education developed a manual to assist local program administrators in using the U.S. Department of Agriculture's (USDA's) programs. This document contains Part 1 of the manual's four interrelated parts, a quick reference organized alphabetically by key words, and restates federal regulations and related policy information. The document also provides an overview of the National School Lunch, School Breakfast, and Special Milk programs. Included is information on eligibility, meal requirements, meal accountability, meal service, record keeping, claims and reimbursement, and civil rights compliance. (KB)

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# Administrative Manual

## CHILD NUTRITION PROGRAMS

The Utah State Office of Education
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PS 028000

Scott W. Bean
State Superintendent of Public Instruction

1998

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# Administrative Manual
# Child Nutrition Programs

## The Utah State Office of Education

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Salt Lake City, Utah
1998

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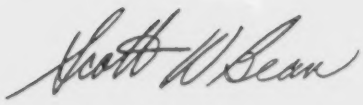
# FOREWORD

This manual has been prepared to assist local Child Nutrition Programs administrators in using the U.S. Department of Agriculture's (USDA's) programs. It is designed to help administrators maintain their knowledge and understanding of the guidelines that govern program management.



Scott W. Bean
Superintendent of Public Instruction

# MISSION STATEMENT

The mission of Utah's Child Nutrition Programs is to improve the nutritional well-being of all Utah children so they may reach their full potential. Recognizing that a properly balanced diet is essential to the physiological and mental well-being of developing youngsters, it has been our sustained goal to expand Child Nutrition Programs. We do this through outreach to nonparticipating schools and institutions and efforts to increase the participation in current programs. Using the "Dietary Guidelines for Americans" as a framework, we strive to improve the quality of meals for children.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# ADMINISTRATIVE MANUAL

## INTRODUCTION

The Utah Child Nutrition Programs' *Administrative Manual* has four interrelated parts:

**A.** The *Quick Reference* (a guide organized alphabetically by key words)

**B.** Federal Regulations
- 7CFR Part 210 National School Lunch Program
- 7CFR Part 215 Special Milk Program
- 7CFR Part 220 School Breakfast Program
- 7CFR Part 245 Free and Reduced-Price Meals

**C.** Policy Materials (seven manuals)
- *Accommodating Children with Special Dietary Needs in the School Nutrition Programs*
- *Contracting with Food Service Management Companies*
- *Eligibility Guidance for School Meals Manual* (FNS-274)
- *Food Buying Guide for Child Nutrition Programs* (Program Aid #1331)
- *Food Distribution Program Administrative Manual*
- *Free and Reduced-price Application Verification*
- *Meal Counting and Claiming Manual* (FNS-270)

**D.** Supplementary Materials
- Policy that has the force of law or regulation (developed by the USOE for Utah through administrative rule making);
- Bulletins that have the force of law or regulation (developed by the USOE as interpretations of USDA law or regulation);
- Guidance that is not enforceable as regulation (developed by the USOE as instructions intended to benefit participants or improve operation);
- Documents and forms (Claim for Reimbursement, Food Production Record form, Transport Document, etc.); and
- Miscellaneous (temporary, occasionally helpful, or event-specific information).

The *Quick Reference* is designed to restate federal regulations and related policy information in a friendly format to help in administering the Child Nutrition Programs. The *Quick Reference* is not, nor can it ever be, absolutely comprehensive; it is a basic guide. Program administrators are bound by federal regulations and instructions and are responsible for their implementation.

The federal regulations are copies from the *Federal Register*. Federal regulations are not comprehensive or always current. The USDA issues guidance interpreting the regulations which has the same force as law. The USOE passes these instructions on to program participants in the form of policy "bulletins."

# NATIONAL SCHOOL LUNCH PROGRAM
# SCHOOL BREAKFAST PROGRAM
# SPECIAL MILK PROGRAM

## INTRODUCTION

This introduction will give School Food Authorities (SFAs) an overview of the National School Lunch (NSLP), School Breakfast (SBP), and Special Milk (SMP) programs. Detailed information is in the *Quick Reference.*

### Eligible School Food Authorities

Public and private schools are eligible to participate in the programs. Public schools are publicly funded and are recognized and governed by the USOE. All public schools are eligible to participate under a district sponsorship. Private schools must qualify according to USOE rules and have nonprofit status under Section 501(c)(3) of the Internal Revenue Code of 1954. A facility can only claim students' meals if it accepts full administrative responsibility for those children.

### Meal Requirements

School meals must comply with the "Dietary Guidelines for Americans." Schools have the option of choosing a menu-planning system. The systems include NuMenus, Assisted NuMenus, food-based menus, the traditional meal pattern, and "any other reasonable approach."

***Lunch Requirements.*** School lunches must meet one-third of the U.S. recommended dietary allowances (USRDA) for protein, vitamin A, vitamin C, iron, and calcium as well as one-third of the recommended energy intake (calories). Lunches must also contain no more than 30 percent calories from fat and less than 10 percent calories from saturated fat. Levels of sodium, cholesterol, and fiber will be monitored, but there are no specific amounts. Compliance is measured over a school week. More specific information may be found in the USDA manual, *Healthy School Meals Training.*

***Breakfast Requirements.*** School breakfasts must meet one-quarter of the USRDA for protein, vitamin A, vitamin C, iron, and calcium as well as one-fourth of the recommended energy intake. Breakfasts must also contain no more than 30 percent calories from fat and less than 10 percent calories from saturated fat. Levels of sodium, cholesterol, and fiber will be monitored, but there are no specific amounts. Compliance is measured over a school week. More specific information may be found in the USDA manual, *Healthy School Meals Training.*

## Free And Reduced-Price Meals

All children enrolled in the school and present at the time of meal service are eligible to apply for free and reduced-price meals. There is no age restriction for participation as long as students are working toward graduation or a GED, not just upgrading skills. Participation in the SMP is limited to those under age 19. In a case where mentally or physically disabled students are participating in a school program, there is no age limit. Information to help determine student eligibility for free and reduced-price meals is found in the USDA's booklet, *Eligibility Guidance for School Meals Manual* (FNS-274).

Both free and reduced-price meals must be offered. All children with access to meal or milk service must be given the opportunity to apply for free and reduced-price meal and free milk benefits. No child may be denied benefits if he or she has submitted a properly completed valid application that has been approved by the SFA or has been directly certified as eligible as a recipient of food stamps or assistance from the Family Employment Program (FEP, formerly Aid to Families With Dependent Children or AFDC).

Utah has a Free and Reduced-Price Meal Policy Prototype, which is the model for the document required for all SFAs. This policy states the institution's administrative procedures and duties in offering free and reduced-price meals or free milk to children. If SFAs do not adopt the prototype, they must design their own policy statement for USOE approval.

Schools must ensure that there is no overt identification of children who receive free or reduced-price meals in collecting applications or payments or serving food. To prevent overt identification of free and reduced-price meal recipients, access to the information provided by households on their applications or through direct certification is limited to local, state, and federal officials directly involved in administering the program.

SFAs cannot charge students who receive reduced-price meals more than 40 cents for lunch or 30 cents for breakfast, and the charge must always be less than the full price. The reduced price may be as low as zero for the student; however, the reimbursement rate remains the same. The reduced-price meal charge must be the same in high schools and elementary schools to ensure that all children from the same household receive equal benefits. (The charge for a full-price meal may be different in secondary and elementary schools, however.)

SFAs must verify the income information of a sample of approved applications on file as of October 31 each year. Verification is not required for households whose eligibility has been directly certified by state or local agencies. A full description of the procedures for verification is included in the USOE's booklet, *Free and Reduced-price Application Verification,* and in *Eligibility Guidance for School Meals Manual,* which are included with this manual.

## Meal Accountability

Schools must maintain auditable records of meals and milk claimed for reimbursement. Records must include point-of-service and kitchen participation counts and complete meal-production information.

***Meal Count.*** An accurate meal count by category must be taken daily at the point of service (see the Daily Lunch and Milk Record form in the Supplementary Materials section of the manual). To show that the system is accurate, records must contain two types of meal counts by different individuals and methods. These are usually the point-of-service (office) count (by eligibility category) and the kitchen count (by food, plates, or trays). The point-of-service count must follow the procedures detailed in the SFA's approved free and reduced-price meal policy statement. For more information, see the *Meal Counting and Claiming Manual* (FNS-270), which accompanies this manual.

***Meal Production Records.*** Records must show meal compliance. A copy of the Food Production Record form is included in the Supplementary Materials section of this manual. The format differs depending on which menu-planning system a school chooses (NuMenus, Assisted NuMenus, food based, traditional, or any other reasonable approach).

## Competitive Food Service

Competitive food means any food sold which is not part of the reimbursable meal. Prohibited competitive foods are called "foods of minimal nutritional value" and may not be sold in the cafeteria during the breakfast or lunch periods. Competitive foods that are not foods of minimum nutritional value may be sold during meal periods as long as income from the sale accrues to the nonprofit food service, the school, or student organizations approved by the school.

## Meal Service

In a pricing program, children not eligible for free or reduced-price meals or free milk are charged an amount to make up the difference between the cost of the service and state and federal reimbursement, plus the value of commodities. Meals must be priced as a unit and furnished without cost or at a reduced price to all children who qualify in accordance with the SFA's approved free and reduced-price policy statement. In a nonpricing program, all children are served the meal or milk without charge. The cost of the meal or milk, beyond the federal reimbursement rate, is borne by the school as an expense of operating the program.

***Reimbursable Meals.*** Meals that meet program requirements are eligible for federal financial assistance through the USOE. A reimbursable meal is one (a) served to children enrolled in the educational program of the school who are in attendance at the time of the meal service (including kindergarten children), (b) claimed by an approved eligibility category, and (c) meeting the minimum meal-pattern requirements.

Children enrolled in any school within the SFA but visiting in another school may be claimed as though they were in their own school. Children visiting from a school in another SFA may also be claimed at the paid rate. Eligible children's meals may be claimed in free or reduced-price categories if copies of the children's free and reduced-price applications are filed with the host SFA/school.

***Nonreimbursable Meals.*** Reimbursement is available only for approved children's meals which meet program requirements. No other meals or food items are reimbursable.

Adult meals and meals served to children who are not enrolled in the school are not eligible for federal or state reimbursement, and income from such meals must go to the program. Meals served to adults directly involved in the administration and operation of the program may, at the choice of the SFA, be furnished without charge. In this case, meal cost is part of program operation and supported by revenues to the program. The cost of meals served to adults not directly involved in the operation of the food service program may not be financed by children's payments or state or federal reimbursements. Costs must be offset by adult payments or revenue from other sources. The price must be enough to cover the full cost of the meal, plus the value of any USDA commodities used. USDA commodities may be used in adult meals only when the same foods are included in reimbursable children's meals.

It is the intent of the program to plan and prepare one lunch and/or breakfast per child per day. Second meals may not be claimed. Schools are cautioned not to plan and prepare second meals for children unless they absorb the cost.

***Exceptions to the Meal-Pattern Requirements.*** The meal-pattern requirements may be varied only for medical exceptions for individual dietary problems, special exceptions granted by the FNS for experimental study, emergencies as a result of disaster recognized by the FNS, and exceptions for religious reasons.

***Milk Requirements.*** The state sanitation code prohibits serving reconstituted dry milk in public eating establishments except as an ingredient in something cooked. If fresh milk is not available, ultra-high-temperature (UHT), long-shelf-life milk must be used.

## Offer Versus Serve

Offer versus serve is a method designed to reduce food waste and cost in the program. It allows secondary students and, when approved by the SFA and USOE, those in other grades to decline some foods they do not intend to eat. Consult the USDA manual, *Healthy School Meals Training*, for further information.

## Special Milk Program

All public and nonprofit private schools that do not participate in the NSLP, the SBP, or the CACFP, or where enrolled children do not have access to these programs, may participate in the SMP, including split-session kindergartens and prekindergartens. To participate in the SMP:

- SFAs need to notify the SEA on Schedule A of intent to implement the program
- Indicate whether a pricing or nonpricing program will be chosen; and
- Keep and make available for review and audit complete records of program operation.

Each half-pint of milk served to children will be reimbursed either at full dairy cost for free children or a lower (regular) rate for other children. There is no limit to the number of half-pints served, and they may be split for younger children.

If a pricing program is elected, the free milk option must always be available; children who qualify must be provided milk at no charge. Under the pricing option, a daily point-of-service count by eligibility category is required.

With the nonpricing option, only a count of the total half-pints served each day is needed. However, if the SFA wishes to claim reimbursement by eligibility category in a nonpricing program, free milk applications must be collected and a point-of-service count taken.

Food may be served with the milk, and the SFA may establish a rate to cover the cost under a pricing program, but there can be no charge for children who qualify for free milk.

The price charged for milk sold to adults is established by the SFA. However, the charge must cover all costs (labor, price paid to the milk vendor, administration, etc.). Reimbursement cannot be claimed for milk served to adults.

## Records

All accounts and records for the NSLP, SBP, and SMP must be available to the USOE and/or the USDA for audit or review at any reasonable time and place. Records must be retained for three years after the end of the fiscal year to which they apply unless an audit finding makes it necessary to hold them longer.

Required records include

- The number of meals served daily to children and adults by type;
- The number of meals served daily by category (free, reduced price, paid, adult);
- All applications for free or reduced-price meals;
- All income accruing to the food service program;
- Itemized receipts for all food purchased for the program;
- Itemized receipts for labor, capital outlay, and program expenditures other than food;
- Receipt and inventory of any USDA-donated commodities; and
- The value of any other commodities, donated services, and gifts of any type.

## Financial Administration Requirements

All food service programs must operate on a nonprofit basis. SFAs must maintain appropriate income and expense records to document the nonprofit operation of their food service programs. All income to the program must be used to reduce the cost to each paying child, improve the quality of the food, purchase supplies, and maintain services and equipment used in storing, preparing, or serving food and/or milk to children.

## Claims And Reimbursement

***Claim for Reimbursement.*** The CNP Claim for Reimbursement form must be submitted to the SEA on or before the fourth working day of the month following the month being claimed. Reimbursement is paid for the number of meals claimed by category.

***Severe Need Reimbursement.*** Schools may receive severe need payments for free and reduced-price breakfasts when 40 percent or more of the lunches at the school in the second preceding year were served to students qualifying for free or reduced-price meals. These payments are in addition to the regular reimbursement.

An additional two cents per lunch is available to SFAs which served 60 percent or more free or reduced-price lunches districtwide during the second preceding year.

***Federal Funds.*** General cash assistance (Section 4) is disbursed for all eligible school meals. In addition, special assistance (Section 11) funds are paid for meals served free or at a reduced price to eligible children.

***State Funds.*** Utah law provides a 13 percent tax on the sale of wine and distilled liquor to administer a school lunch program in the public schools. Funds are disbursed according to the number of lunches claimed in each district. No state funds are available for the SBP or SMP.

## Civil Rights Compliance

A variety of laws protect the civil rights of various categories of people and prevent discrimination against them. These laws require that federal assistance programs be operated so no one is discriminated against on the basis of race, color, national origin, sex, age, or disability.

There can be no physical segregation of any child, nor any other discrimination, because of inability to pay full price for meals or milk. The names of children eligible to receive free or reduced-price meals or free milk shall not be published, posted, or announced, and these children cannot be overtly identified by special tokens, tickets, or other means. Eligible children shall not be required to work for meals or milk, use a separate service area, go through a separate serving line, enter the service area through a separate entrance or at a different time, or be served meals or milk that vary from what is sold to children paying the full price.

The SFA must develop and retain a description of its civil rights compliance program, which must contain at least these elements:

- Public notification program;

- Data collection and reporting system;
- Compliance reviews;
- Complaint handling procedures; and
- Resolution of noncompliance issues.

***Public Notification Program.*** All forms of communication and printed program information, including the free and reduced-price notification letters and public press releases, must include the following statement:

- In the Child Nutrition Programs, no person shall, on the grounds of race, color, national origin, sex, age, or disability, be excluded from participation, be denied the benefits, or be otherwise subjected to discrimination. If you believe you have been discriminated against because of race, color, national origin, sex, age, or disability, write immediately to the Secretary of Agriculture, Washington, D.C. 20250.

At all food service sites, the nondiscrimination poster developed by the USDA, or an alternative approved by the FNS, must be displayed in a prominent place, visible to the public.

***Data Collection and Reporting System.*** The SFA must develop a method for collecting and reporting data on the number of children applying for free and reduced-price meals by racial/ethnic category. The data may be collected by a school official through observation or personal knowledge or by voluntary self-identification by the applicant on the free and reduced-price application form.

***Compliance Reviews.*** The USOE will conduct civil rights compliance reviews before awarding funding and as part of the ongoing monitoring process. SFAs must conduct similar compliance reviews in sites they sponsor (see the SFA Site Monitoring form in this manual's Supplementary Materials section).

***Complaint Handling Procedures.*** Civil rights complaints are written or verbal allegations of discrimination based on race, color, national origin, age, sex, or disability. Any person claiming discrimination has a right to file a complaint within 180 days of the alleged discrimination. All complaints, whether written or verbal, must be accepted by the SFA and forwarded to the USOE. An anonymous complaint should be handled the same way as any other.

***Resolution of Noncompliance Issues.*** Probable noncompliance is a factual finding, based on a review or other monitoring process, that certain civil rights requirements are not being met by an individual or agency. Once probable noncompliance is found, steps must be taken immediately to obtain voluntary compliance. If corrective action has not been completed within 60 days of the finding, a noncompliance report must be submitted through the USDA Regional Office to the Civil Rights Division (or through the USOE if locally identified). Continued noncompliance may result in legal action.

# QUICK REFERENCE
## UTAH SCHOOL FOOD PROGRAMS

**A**

### Adult Meals

Adult meals are not eligible for federal or state reimbursement, and income from such meals must accrue to the food program. For economy and to avoid student payments being used to reduce the price to adults, they should be offered the same menu(s) as children.

***Program Adults.*** Meals served to adults directly involved in the administration and operation of the program may, at the discretion of the SFA, be furnished without charge. In this case, meal cost may be attributed to program operation and supported by revenues to the program. The determination of which individuals to include and what portion of their services to attribute to program operation is left to state and local officials.

***Nonprogram Adults.*** The cost of meals served to adults not directly involved in the operation of the food service program may not be financed by children's payments, state or federal reimbursements, or USDA commodities. Costs must, therefore, be offset by adult payments or revenue from other sources (for example, state or local fringe-benefit or payroll funds, or other types of funding).

While school and district staff and official visitors may participate in the meal service, it is clearly not the intent of the national nutrition programs to include adults in food service. Nonprogram adults eligible to buy a school lunch include district and school employees, official visitors in the school during lunchtime, and parents who are at school on official business or invited to come during special activities such as National School Lunch Week.

Nonprogram adults who may not have school lunch include regular delivery or pick-up personnel; friends, spouses, or other relatives of school or district employees (unless they are in the school on official business); and construction workers.

***Adult Prices.*** The price of adult meals is set by the district and must be sufficient to cover the full cost of the meal or equal the highest child's reimbursement, plus the value of any USDA entitlement and bonus donated food. USDA commodities may be used in adult meals only if the same ones are included in reimbursable children's meals.

Adult portions should be specific and consistent throughout the district. The regular price entitles an adult to a portion planned for a high school student. If larger or double portions are served, the price must increase proportionately. Payment must be received for all food consumed. Leftover food should not be offered to adults without proper payment, and records must be maintained.

All adults in a district should pay the same price for the full meal. If special services are provided to adults, the additional cost should be recovered. If adults wish

to choose only parts of the lunch offered to children, the charges should cover the full cost of the selected items, including labor and the value of any commodities.

Income is anticipated from all meals served to nonprogram adults, and auditable records should be available. Any reduction of price to adults should be made up from other district funds and not charged to the school's nutrition programs.

## Age for Participation in School Food Programs

There is no age restriction for participation in meal programs as long as students are enrolled in day school, working toward graduation or a GED (not just upgrading skills). Participation in the SMP is limited to those under age 19. In a case where mentally or physically disabled students are participating in a school program, there is no age limit.

## A La Carte Sales

A la carte sales cover those food items sold in addition to the unitized, reimbursable meal during regular meal service. If a school provides an a la carte service, any combination of food which includes the required elements of the reimbursable school meal may be sold at the unit price and claimed for reimbursement. If, under offer versus serve, a student chooses less than the required number of food components, a la carte prices should be charged. Also, if additional foods which are not planned and merchandised as part of the reimbursable meal are chosen (see **Competitive Food Service),** they must be sold at the a la carte price. A la carte prices should cover the total cost of each item. The total charges for individual menu items in any combination should never be less than the price for a reimbursable meal as a unit.

A la carte records must be maintained separately. It is necessary to show

- The determination of the sale price;
- The tracking of food, including removal from inventory and separation from meal compliance;
- The number of items prepared and sold daily; and
- The amount of monies collected.

An A La Carte record form is in the Supplementary Materials section of this manual.

## Appeal Procedures for School Food Authorities

The CNP office in Utah has adopted a fair hearing procedure by which a SFA can appeal a decision made by the staff with respect to (1) findings of a supervisory assistance or CRE review; (2) financial or program audits; or (3) a special investigation.

Before initiating the appeal procedure, the state CNP staff, the SFA's supervisor/director, or other authorized officials may request a conference to provide an opportunity to discuss the situation, present information, obtain an explanation of relevant data, and clarify the decision rendered. Such a conference will not in any way prejudice nor diminish the right to a fair hearing.

The following procedures will apply:

- The SFA will be advised in writing of the grounds on which the USOE has based its action. The notice of action will be sent by certified mail, return receipt requested, and will also include a full description of the SFA's rights and responsibilities.
- The written request for review must be filed not later than 15 calendar days from the date the appellant receives the notice of action, and the USOE will acknowledge the receipt of the request for appeal within 10 calendar days.
- The appellant may refute the charges contained in the notice of action. In order to be considered, written documentation must be filed with the review official not later than 30 calendar days after the appellant receives the notice of action.
- The appellant may retain legal counsel or be represented by another person. A hearing will be held by the review official in addition to, or in lieu of, a review of the written information submitted only if the appellant requests one in the letter. Failure of the appellant or a representative to appear at a scheduled hearing will constitute waiver of the right to a personal appearance before the review official unless that person agrees to reschedule the hearing.
- If a hearing has been requested, the appellant will be provided with at least 20-calendar-days advance written notice, sent by certified mail, return receipt requested, of the time and place of the hearing.
- Any information on which the USOE's action was based will be available to the appellant for inspection from the date of receipt of the request for review.
- The review official must be independent and impartial and not accountable to any person authorized to make decisions subject to appeal under these provisions.
- The review official will make a determination based on information provided by the USOE, the appellant, and program regulations. The review official will inform the USOE and the appellant of the determination within 60 calendar days of the USOE's receipt of the review request.
- The USOE's action will remain in effect during the appeal procedure. However, participating SFAs may continue to operate their programs during an appeal of termination unless the action is based on imminent danger to the health or welfare of the children. If the SFA or facility is being terminated for this reason, the USOE will specify that in its notice of action.
- The decision by the state review official is the final administrative determination afforded to the appellant.

**B**

## Breakfast Program Nonparticipation Review

Utah law requires that local school boards review, at least once every three years, the reasons an elementary school does not participate in the SBP. If the school board determines that there are valid reasons for the school's nonparticipation, no further action is taken. Reasons for nonparticipation may include a recommendation from the school community council or a similar group of parents and school employees that the school not be part of the program. Otherwise, a SBP must be initiated.

After two nonparticipation reviews, a local school board may, by majority vote, waive any further scrutiny of a particular school. A waiver of the review process does not prohibit subsequent reconsideration by the local school board of the school's nonparticipation in the SBP, however. The requirements of this Utah law will be nullified if the federal government terminates the entitlement status of the SBP.

# C

## Catering

Catering is a situation when food is made available for a single event or special purpose. Catering to civic clubs or associations may be provided according to the policy of the district, but care should be taken to avoid competition with local businesses. In catering situations, USDA commodities may not be used. The charge should cover all costs, not just the regular adult price of the food to employees or authorized visitors on business at school. It is necessary to keep a record of such meals. The appropriate amount of state and/or city sales taxes must also be collected.

Preparing meals which are served to school-related student groups outside of lunchtime is bound by the same restrictions that govern catering to civic clubs or associations. No reimbursement may be claimed, and the full cost of preparing the meal must be covered by charges to the customer.

Catering may include meals prepared on a sustained basis by a school which are not claimed for reimbursement. These meals may be prepared for senior citizens, Head Start programs, private schools, or CACFP participants. A clear, auditable trail is necessary to track commodities and food costs which must be separated from the NSLP/SBP. It is recommended that a separate Food Production Record form be used.

## Civil Rights Complaint Handling Procedures

Civil rights complaints are written or verbal allegations of discrimination based on race, color, national origin, age, sex, or disability. Any person claiming discrimination has a right to file a complaint within 180 days of the alleged discrimination. A civil rights complaint based on race, color, national origin, or age may be received at the individual school level, but it must be forwarded through the USOE to the USDA Regional Office. The regional office then forwards the complaint to the Civil Rights Division. Complaints of discrimination based on sex or disability must be forwarded to the USOE for investigation and disposition.

All complaints, whether written or verbal, must be accepted by the SFA and forwarded to the USOE. An anonymous complaint should be handled the same way as any other. Complaint forms may be developed, but their use cannot be required. If the complainant makes the allegations verbally or in a telephone conversation and is reluctant or refuses to put them in writing, the person who handles the complaint must write up the description.

There must be enough information to identify the agency or individual toward which the complaint is directed and indicate the possibility of a violation. Every effort should be made to obtain at least the following information:

- Name, address and telephone number or other means of contacting the complainant;
- The specific location and name of the organization delivering the program service or benefit;

- The nature of the incident(s) or action(s) that led the complainant to feel there was discrimination;
- The basis on which the complainant feels discrimination occurred (race, color, national origin, age, sex, or disability);
- The names, titles, and addresses of people who may have knowledge of the discriminatory action(s); and
- The date(s) when the alleged discriminatory action(s) occurred or, if continuing, the duration of such action(s).

## Civil Rights Compliance

A variety of laws protect the civil rights of various categories of people and prevent discrimination against them. These laws require that federal assistance programs be operated so no one is discriminated against on the basis of specific characteristics.

The pertinent laws include the Civil Rights Act of 1964, Title VI (discrimination because of race, color, or national origin); the Education Amendments of 1972, Title IX (discrimination based on sex); the Rehabilitation Act of 1973, Section 504, and the Americans with Disabilities Act of 1994 (discrimination because of disability); and the Age Discrimination Act of 1975 (discrimination on the basis of age).

The SFA must retain a description of its civil rights compliance program, which must contain at least these elements:

- Public notification program;
- Data collection and reporting system;
- Compliance reviews;
- Complaint handling procedures; and
- Resolution of noncompliance issues.

## Civil Rights Compliance Reviews

The USOE will conduct civil rights compliance reviews before awarding funding as part of the ongoing monitoring process required by program regulations and on other occasions as necessary. SFAs should conduct similar compliance reviews in sites they sponsor (see the SFA Site Monitoring form in the Supplementary Materials section of this manual). There are several types of compliance reviews.

***Local Compliance Review.*** SFAs must ensure that schools in which they operate programs meet civil rights requirements. Reviews must be conducted as part of ongoing management and administration. At a minimum, local reviews will examine whether

- Communication to the public and potential beneficiaries includes the nondiscrimination statement and information on where a complaint can be filed.
- Any complaints received have been forwarded to the USOE.
- The nondiscrimination poster is displayed in a prominent place in the food service area.

- Program information is made available to the public and how that occurs.
- There is a need for program information in languages other than English and how the need is being met.
- Data are maintained on approved and denied free and reduced-price applications by racial/ethnic category.

***Preaward Compliance Review.*** The USOE and SFA will perform a preaward desk review of previously unfunded program applicants to determine compliance with the civil rights laws. It may be particularly important for a SFA to conduct this review of any institution with which it expects to contract for preparation, delivery, or service of meals. If an institution is found to be out of compliance, the USOE or SFA may not enter into the proposed contract. Information required to be submitted as part of the application includes

- Copies of free and reduced-price meal policy statements, letters to parents, public press releases, and any other materials used to publicize program availability and nondiscrimination requirements;
- Estimated data on the racial/ethnic makeup of the applicant organization's or site's program service area and enrollment;
- A description of membership requirements for admission to the institution, if applicable; and
- The names of other federal agencies providing assistance to the organization and whether the applicant has ever been found out of compliance by those agencies.

***Regular Compliance Review.*** Within one year following application approval and regularly thereafter, the USOE will include civil rights compliance reviews in its continuing monitoring of all SFAs. When a review of a SFA is performed, the questions listed below will be investigated as a minimum. SFAs must do similar compliance reviews in sites they sponsor.

- Are approved and denied free and reduced-price applications maintained on file?
- Do denied free and reduced-price applications come disproportionately from minorities?
- Is there a need for bilingual material or staff? If the need exists, how is it being addressed?
- What procedures are used to determine and process civil rights complaints?
- Do admission procedures restrict enrollment of minorities or other protected classes?
- Is the USDA poster (or an FNS-approved alternate) prominently displayed?

- Do free and reduced-price application letters provided to parents or guardians of participants and potential participants contain the nondiscrimination statement and the procedure for filing a complaint?

If noncompliance is found in any area, the SFA must take corrective action. Contact the USOE if compliance is not met.

***Special Compliance Review.*** On occasion, special compliance reviews will be necessary. Such reviews will be conducted when

- Available information indicates a need for in-depth examination of program activities or procedures at a specific SFA or site.
- Statistical data indicate that a particular minority or other protected group is not participating in or benefiting from the program to an extent indicated by the potentially eligible population.
- Reports of noncompliance made by other federal agencies need to be substantiated.
- Follow-up on findings of previous special reviews is needed to obtain additional information.
- Patterns of complaints of discrimination have developed.

Special compliance reviews may be conducted by either state or federal agency personnel or jointly, and they may be unannounced.

## Civil Rights Compliance Data Collection and Reporting

The SFA must develop a method for collecting and reporting data on the actual number of children applying for free and reduced-price meals by racial/ethnic category. The data may be collected by a school official through observation or personal knowledge or by voluntary self-identification by the applicant on the free and reduced-price application form. The information must be kept on file for three years after the current year. Procedures must be established to ensure that the information is made available only to authorized state and federal officials during reviews or as part of surveys approved by the U.S. Office of Management and Budget.

## Civil Rights Noncompliance Issues Resolution

Probable noncompliance is a factual finding, based on a review or other monitoring process, that certain civil rights requirements are not being met by an individual or agency. Once probable noncompliance is found, steps must be taken immediately to obtain voluntary compliance. If corrective action has not been completed within 60 days of the finding, a noncompliance report must be submitted through the USDA Regional Office to the Civil Rights Division (or through the USOE if locally identified). Continued noncompliance may result in legal action.

Specific examples of discrimination and noncompliance with civil rights laws include

- Exclusion of children from participation in school nutrition programs on the basis of race, color, national origin, age, sex, or disability;
- Disparate distribution of benefits and services to participants in programs;
- Differential treatment of a participant or group of participants on the basis of race, color, national origin, age, sex, or disability in determining whether admission policies, enrollment, quota, membership, or other requirements of a program have been met;
- Separation of persons by different meal periods, seating arrangements, or way food is served because of race, color, national origin, age, sex, or disability; or
- Failure to apply the same eligibility criteria for free or reduced-price meals or milk to all persons attending schools within a SFA.

## Civil Rights Poster Display

At all food service sites, the nondiscrimination poster developed by the USDA, or an alternative approved by the FNS, must be displayed in a prominent place, visible to the public. (A copy of this poster is included in the Supplementary Materials section of this manual.)

## Civil Rights Public Notification Program

Each SFA or other program agency has specific responsibilities with respect to public information about its program. Parents or guardians of students in schools participating in the programs and local minority and grassroots organizations must be informed of the availability of program benefits and services, the nondiscrimination policy, and all significant changes in existing requirements that pertain to program eligibility and benefits.

Grassroots organizations are defined as any of those at the local level which interact with potential participants, such as community programs, civic organizations, migrant groups, churches, neighborhood councils, local chapters of the NAACP or JACL, or similar groups.

The SFA must also make available to the public, and to participants and potential participants in the program upon request, information about program requirements and the procedures for filing a discrimination complaint in English and/or the appropriate language if the people do not speak English.

All forms of communication and printed program information, including the free and reduced-price notification letters and public press releases, must include the following statement:

- In the Child Nutrition Programs, no person shall, on the grounds of race, color, national origin, sex, age, or disability,

be excluded from participation, be denied the benefits, or be otherwise subjected to discrimination. If you believe you have been discriminated against because of race, color, national origin, sex, age, or disability, write immediately to the Secretary of Agriculture, Washington, D.C. 20250.

## Claims and Reports

***Claim for Reimbursement.*** Form SOE-25-2562-39/10/95 is the CNP Claim for Reimbursement form. It must be completed and submitted to the USOE on or before the fourth working day of the month following the month being claimed. A copy of the form, a sample completed form, and complete instructions for filling out the form are included in the Supplementary Materials section of this manual.

***Annual Statistical Report.*** Form SOE-25-262-39/5-95 is the Annual Statistical Report form, covering the time period from July 1 through June 30. It must be submitted no later than July 15 each year. This is a state year-end report and does not include figures for which reimbursement is claimed. A copy of the form is included in the Supplementary Materials section of this manual.

***Breakfast Severe Need Justification.*** Form SOE-25-2562-49/10-95 is the Annual Justification for Severe Need Breakfast Reimbursement report, covering the time period from July 1 through June 30. It must be submitted no later than November 15 in any applicable year. A copy of this form is included in the Supplementary Materials section of this manual.

***Late Claims.*** Institutions must submit original claims to the USOE within 60 working days following the month to be claimed to be eligible for reimbursement. The USOE may grant an exception for a claim which exceeds the 60-day required period. A formal request must be made for this exception available only once every three years. To receive the exception, the SFA must submit an acceptable corrective action plan (CAP) to the USOE. The plan must address the problem contributing to the lateness and outline the actions to be taken to avoid future late claims. The decision to grant the exception will be made by the USOE based on the plan's acceptability.

The USOE may also grant an exception for an amended claim which exceeds the 90-day required period. A formal request must be made to the USOE for this one-time-only exception and will be forwarded to the USDA Regional Office. This formal request must address the problem contributing to the lateness and outline the actions to be taken to avoid future late amended claims. The decision to grant the exception for a late amended claim can only be made by the USDA Regional Office, based on the acceptability of the CAP.

***Revised Claims.*** During the course of the school year, it may be necessary to revise a previously submitted claim. A copy of the original claim is retained by the SFA. There are spaces on this form to enter amended figures opposite the original ones. In these spaces, enter the figures which will correct the claim; for example, if the original claimed 100 meals and the correct figure is 105 meals, write +5 in the

amendment space in bold colors. This amended copy of the claim form should then be re-signed, redated, and resubmitted to the USOE. The SFA should retain a file copy.

Claim revisions that result in additional reimbursement (increases in the number of meals claimed) must be received by the USOE before 90 days after the end of the month being amended. Downward amendments may be submitted anytime.

## Competitive Food Service

Competitive food means any food sold which is not part of the reimbursable meal. Prohibited competitive foods are called "foods of minimal nutritional value" and may not be sold in the cafeteria during the breakfast or lunch periods. Competitive foods which are not foods of minimum nutritional value may be sold during meal periods. Income from the sale of allowed competitive foods must accrue to the nonprofit food service, the school, or approved student organizations.

It is the school's responsibility to know what items are prohibited from being sold and to monitor compliance with the regulation. Violations may jeopardize the receipt of federal and state funds and USDA commodities. Schools in violation of the regulations will have all reimbursements reclaimed for the day of the offense. Repeated violations will be deemed an administrative deficiency, and appropriate corrective action must be taken by the SFA.

## Consulting Team Visits

Consulting team visits (CTV) are peer reviews conducted by state CNP specialists at the request of the SFA. Requests are invited annually. The request should give the purpose or goal of the visit and suggest possible team members. Time estimates are helpful. Per diem expenses are covered by the USOE upon approval.

## Coordinated Review Effort

The Coordinated Review Effort (CRE) is a unified federal and state monitoring system. Federal regulations require that the USOE conduct administrative reviews of each SFA once every five years. The administrative review focuses on critical and general areas of program operations.

The critical areas of the review are defined under Performance Standard I and II. Each SFA must take necessary action to operate a food service program according to these two performance standards. Performance Standard I covers a SFA's certifying, counting, claiming, and consolidating process, while Performance Standard II monitors meal components.

The general areas of review consideration may include the following:

- free and reduced-price application processing and verification,
- food production records (food quantities),
- competitive foods,
- use and storage of donated foods,
- nonprofit school food service,

- civil rights,
- procurement practices,
- food service management companies,
- monitoring responsibilities,
- reporting, and
- record keeping.

***Performance Standard I (Certification, Counting, Claiming, Consolidating).*** All free, reduced-price, and paid meals claimed for reimbursement must be served only to children eligible for each type, and they must be counted, recorded, consolidated, and reported through a system which consistently yields correct figures.

A follow-up review is required when a specified number of schools in a SFA have an inadequate system for certifying, counting, claiming, and consolidating. A school has an inadequate system if 10 percent or more (but not less than 100) of the free and reduced-price meals are claimed incorrectly.

***Performance Standard II (Meal Components).*** Meals claimed for reimbursement within the SFA contain food items required by program regulations. A follow-up review is required if 10 percent or more of the total number of meals observed are missing one or more of the required food components.

***Corrective Action.*** Errors found during a review require corrective and/or fiscal action by the SFA. Where the errors exceed the review threshold of one or more of the performance standards, a formal corrective action plan (CAP) must be developed by the SFA and submitted to the state CNP unit within a specified time for approval. It is the responsibility of the SFA to contact the USOE for further clarification if the cited facts are not accurate, errors are not identified clearly, or assistance is needed to complete the CAP.

The CAP must indicate how the deficiencies will be corrected and propose a specific schedule. It is mandatory that fiscal action follow. The appropriate fiscal adjustment will be made after the SFA completes corrective action and submits documentation to the USOE.

***Follow-up Review.*** SFAs that have exceeded the review threshold require a follow up visit. New sites may also be selected to obtain the required number for a review. If a performance standard violation that was not noted previously is found at this time, the USOE must document it and take corrective and fiscal action. If the violation exceeds the review threshold, a new CAP must be developed, and another follow-up review will be conducted.

***Procedures.*** SFAs will be notified of a tentative review date. Schools selected for review will generally be scheduled at one per day. If the SFA is large, a team of people may conduct the review to reduce the time needed. When notified of a review, SFA officials should arrange to have all records and other documents available for examination and all appropriate personnel on hand for interviews. A review form will be completed as documentation at each site by the state specialist.

***Site Selection.*** Sites are selected for review based on the average number

of free daily meals served and a free participation percentage. Other sites may be selected due to perceived problems or other USOE criteria.

**D**

## Disciplinary Action

Denying meal benefits to any child as a disciplinary action is prohibited. Detaining students, which results in their not participating in the (full) meal period, is also contrary to the intent of the program. It is an administrative responsibility to provide students full access to the food service program. Delaying meal service to the student as punishment can also pose a sanitation or safety problem and is prohibited.

# E

## Enrolled Children

All children enrolled in the school and present at the time of meal service are eligible to participate in the NSLP, SBP, and SMP.

Children visiting in one school but enrolled in another school within the SFA may be claimed as though they were in their own school. Children visiting from a school in another SFA may also be claimed at the paid rate. Eligible children's meals may be claimed in free or reduced-price categories if copies of the children's free and reduced-price applications are filed with the host SFA/school.

## Exceptions to the Meal-Pattern Requirements

If meals are claimed for reimbursement, the requirements may be varied only for emergencies as a result of disaster recognized by the FNS, medical exceptions for individual dietary problems, special exceptions granted by the FNS for experimental study, and exceptions due to religious reasons.

***Emergencies.*** In the event of a natural disaster, the FNS may temporarily allow schools to serve lunches for reimbursement that do not meet the nutritional requirements. Any emergency situation must have USOE approval, and documentation must be maintained by the district supervisor (see the Exception to Meal Pattern form in the Supplementary Materials section of this manual).

If unusual conditions temporarily prevent a school that normally has a supply of acceptable milk from obtaining delivery, the USOE may approve use of an alternate form or even no milk. Telephone approval from the USOE is required, and documentation must be maintained on the Exception to Meal Pattern form.

***Medical Exceptions.*** Substitutions may be made in the meal pattern if individual participating children are unable, because of medical or special dietary needs, to consume specific foods.

If the child's disability is life threatening, a statement signed by a licensed physician is necessary. Schools may make food substitutions, at their discretion, for children who do not have a life-threatening disability but are medically certified as having a special dietary need. These substitutions must be made on a case-by-case basis, supported by a statement from a medical authority. A medical authority is defined as a physician or surgeon, certified dietitan, physician's assistant, or a registered nurse or nurse practitioner. The USDA has published *Accommodating Children with Special Dietary Needs in the School Nutrition Programs: Guidance for School Food Service Staff* to answer other questions concerning special needs. A copy of this booklet is included with this manual.

***Special Exceptions.*** The FNS may approve variations in the food components of the meal on an experimental or continuing basis in any school where there is evidence that such variations are nutritionally sound and necessary to meet ethnic, religious, economic, or physical needs.

In accordance with this provision, Seventh Day Adventist schools and institutions may use meat analogues (plant protein products) at the 100 percent level to meet the meat/meat alternate component. Contact the USOE for an approved list of meat analogues.

Also in accordance with this provision, meals served in Jewish schools or to Jewish students participating in the program may be exempted from the enrichment portion of the bread requirement during the religious observance of Passover. Other variations in the meal pattern may be made in accordance with Jewish dietary laws. Contact the USOE for a copy of FNS guidance on this issue.

# F

## Family-Style Meal Service

In family-style service, large containers of food are placed on the tables, and children, with adult supervision and assistance, are expected to serve themselves. Unlike cafeteria lines or unitized meals in preset service, family style affords some latitude in the size of initial servings because food is actually available at each table for additional helpings. However, service must comply with the following guidelines:

- Enough food must be placed on each table to provide minimum portions of all required foods for all children, and to feed program adults supervising meal service at the table.
- Some amount of each required food must be placed on each child's plate, and at least the minimum regulatory portion must be offered to every child.
- When the full portion required by the regulations is not initially served, supervising adults must actively encourage the children to accept more during the course of the meal.
- If the school employs the offer versus serve option, the required number of served components may change, but supervising adults must see that reimbursable meal requirements are met.
- Point-of-service accountability is required for meal reimbursement.

## Field Trips (Off-Site Meals)

Meals are to be served and consumed as part of the program at school or on school-related premises. School meals given to children to take home are not reimbursable. However, meals served to students in connection with work-study programs and on school-supervised field trips may be reimbursed because they are consumed as part of a school function. Meals served off-site should be subject to especially stringent sanitary and precautionary measures to avoid contamination and spoilage. Off-site meals must be approved by the district supervisor or the school lunch clerk. Documentation must be maintained by the school or district supervisor (see the Off-Site Meals form in the Supplementary Materials section of this manual).

Children eligible for free and reduced-price meals who are participating on a field trip must receive appropriate meal benefits without being overtly identified. Eligible students participating in a school-sponsored activity at another school must have the opportunity to receive benefits or eat meals at that school. The school where the child is enrolled must provide information establishing eligibility.

As with all meal services, care must be taken to ensure an exact meal count, to claim no more than one meal for each child, and to maintain accurate records for free, reduced-price, and paid categories.

Meals purchased in fast-food and other restaurants do not comply with the intent of the program, and their documentation and evaluation toward meeting

meal-pattern requirements would be both cumbersome and inaccurate. Furthermore, children who are eligible for free or reduced-price meals must have the opportunity to receive these benefits, and these situations make it difficult or impossible for them to participate.

## Financial Administration

The SFA must maintain, or have maintained, full and accurate records in accordance with generally accepted accounting principles (GAAP) and any other state and federal requirements for food service operations which receive financial assistance. Records must be retained for three years after the end of the federal fiscal year to which they pertain or until any unresolved audit questions are satisfied. Records must include the following:

- The number of meals served daily to children and adults by type (lunch, breakfast, milk only, etc.);
- The number of meals served daily by category (free, reduced price, paid, adult);
- All applications for free or reduced-price meals;
- All income accruing to the food service program (payments by children and adults, federal reimbursement, state reimbursement, interest earned, and any other income);
- Itemized receipts for all food purchased for the program;
- Itemized receipts for labor, capital outlay, and program expenditures other than food;
- Receipt and inventory of any USDA-donated commodities; and
- The value of any other donated food or services or gifts of any type.

### Allowable Costs

Allowable cost groups include food used; supplies and expendable equipment; repairs, rental or use of equipment, and other services; and labor. These are considered direct costs.

***Cost of Food Used.*** The cost of food used is the dollar value of the beginning inventory, plus the value of food received during the period, minus the value of the ending inventory. The value of the inventory is based upon the purchase price of food items in stock. The first-in, first-out (FIFO) method of inventory valuation is the most accurate and is strongly recommended. Either a perpetual or physical inventory system may be used. However, all perpetual inventory systems must be verified by a physical inventory at least annually. The cost of food used in the program should not include the value of donated commodities or missing inventory items, including stolen food.

***Indirect Costs.*** Indirect costs are those incurred for the benefit of the school food service, as well as other school functions, but not readily identifiable as part of the school food account. Indirect costs charged to the school food account cannot

exceed the total amount of direct costs, excluding the cost of food used, times a preapproved indirect cost rate.

The indirect cost rate is the ratio of indirect to direct costs, based on the SFA's actual expenditures. It is established by the School Finance and Statistics section of the USOE and negotiated annually.

Administrative service is not an indirect cost and should not be charged either directly or indirectly to the school food fund. Equipment and/or its depreciation or cost of use is a direct, not an indirect, expense. Indirect costs should be charged to the program when they are incurred.

***Labor.*** Costs incurred for labor are charged to the nutrition program. No labor costs may be claimed more than once. Allowable labor costs include salary and other employee benefits, such as health insurance, retirement fund, etc. Because the cost of meals furnished without charge to adult food service employees constitutes an operating expense, it must be accounted for in the financial records.

***Repairs, Rental and Use of Equipment, and Other Services.*** Costs incurred in the routine maintenance or minor repair of nonexpendable equipment and rental or use of equipment for the school food service may be charged to the program.

***Supplies and Expendable Equipment.*** SFAs may charge the acquisition cost of nonfood items and expendable equipment used directly in food service operation to the program.

### Fund Restrictions

The use of income accruing from the operation of any nonprofit food service program is restricted.

***General Nonallowable Costs.*** Costs which are not eligible in claims for payment from federal funds include

- Bad debts;
- Fines and penalties;
- Interest and financial costs;
- Legislative expense or executive direction (salaries and expenses of city councils, school boards, etc.);
- Contingency reserve contributions;
- Depreciation or cost of use for publicly owned buildings and improvements;
- Labor costs for administrative personnel above the food service employee level who do not have direct program responsibility;
- Costs associated with sales or service to adults and other a la carte sales;
- USDA-donated food or cash received in lieu of food (however, expenses related to acquiring, storing, delivering, or using USDA food are allowed); and
- Other donations of cash, services, and goods.

Depreciation or costs of use are not allowed for

- Nonexpendable equipment which has been fully depreciated;
- Nonexpendable equipment in storage for future use or disposal; and
- Any equipment purchased with federal funds.

Also ineligible for reimbursement are the following types of capital expenditures:

- Facilities;
- Repairs which materially increase the value or useful life of capital assets (rebuilding);
- Other capital asset purchases; and
- Contractual agreements which are classified as rental-purchase or leases with an option to purchase.

***Land or Buildings.*** Income from any nonprofit food service program cannot be used to purchase land, acquire or construct buildings, or alter existing buildings.

***Interest Accruing in School Food Service Accounts.*** Interest which has accrued in individual school food service accounts must be remitted to the district's CNP. This interest may not be used for other school purposes.

***Surplus Milk Funds.*** When payments are collected in advance and there is a balance left in the fund (because of student absences, for example), this money must be credited to the SMP account. The money may not be retained by the school or credited to the district general fund.

### Net Cash Resources of Food Service Programs

The net cash resources of a food service operation must be limited to an amount consistent with program needs. At least once during each fiscal year, the USOE will review the net cash resources reported for schools and require an explanation of the need for balances amounting to more than three months' operating cost. If, after considering the explanation or the plan for utilizing the balance, the USOE determines that the amount is excessive, reimbursement payments may be reduced or denied until the net cash resources drop to an amount consistent with operating needs.

### Nonprofit Program Operation

All food service programs receiving federal or state financial assistance must operate on a nonprofit basis. Institutions are required to maintain appropriate revenue and expenditure records to document the nonprofit operation of their food service programs. Designation as a nonprofit operation, a condition for program participation, is made by evaluating the financial status of the food service program as a whole. All funds accruing to these operations must be used to reduce the cost to each paying child, improve the quality of the food, purchase supplies, and maintain services and equipment used in storing, preparing, or serving food and/or milk to children.

### Procurement Policies

Procurement means purchasing, renting, leasing, or otherwise acquiring supplies, services, or construction. Established procurement policies at federal, state, and local levels ensure fair and equal treatment of all persons and organizations which wish to or do conduct business with public agencies. Many school districts have established their own, more restrictive procedures. Different policies apply according to cost levels. The SFA's purchasing department can provide additional assistance.

## Food Service Management Companies

If a SFA employs a food service management company (FSMC) to operate its program(s), it still is responsible for ensuring the operation is in compliance with all regulations and must monitor activities through visitations. Approved bid/proposal procedures must be followed. The FNS has produced a manual, *Contracting with Food Service Management Companies: Guidance for School Food Authorities*, to assist with the process of preparing the invitation to bid or request for proposals. (This booklet accompanies this manual.) The CNP office and the Utah State Division of Purchasing can also help with this process.

After the bid/proposal procedure has been completed, the contract must be reviewed by the USOE before the award is made. An annual review of the contract or amendments to it is conducted with the SFA by the USOE. The SFA must conduct a yearly review of the practices and operations of the FSMC. Regulations governing FSMCs can be found in 7CFR Part 210.16, included as part of this manual.

## Foods of Minimal Nutritional Value

Foods of minimal nutritional value include artificially sweetened products which provide less than 5 percent of the U.S. recommended dietary allowances (USRDA) of at least one of eight specified nutrients per serving. Other items which provide less than 5 percent of the USRDA for at least one of the eight specified nutrients per 100 calories are also classified as foods of minimal nutritional value. The eight nutrients assessed are protein, vitamin A, vitamin C, niacin, riboflavin, thiamine, calcium, and iron.

Food industry producers must submit nutrition information to the FNS for review. Then the FNS determines if the product meets the requirements to be exempt and notifies the company. The nutritional content panel that appears on product packaging is not used in the exemption process since it reflects fortifications and enrichments which are not accepted as meeting the requirements specified in the federal regulations.

If a company has a letter from the FNS granting an exemption, that particular product is no longer considered a food of minimal nutritional value and may be sold as a competitive food in service areas during meals. It is recommended that a copy of the FNS letter be obtained by the school to verify exemption before any products in the following categories are purchased. These regulations apply to all menu-planning systems, including NuMenus.

Categories of foods of minimal nutritional value include

- Soda Water—All beverages that are carbonated by either natural or artificial means and are made with or without any natural or artificial flavoring(s), sugar(s), artificial sweetener(s), added nutrient(s), juice concentration(s), or single-strength juice(s) are classified as foods of minimal nutritional value. Carbonated beverages include sparkling water, seltzer water, club soda, or naturally carbonated water (such as Perrier).
- Water Ices—Water ices are prepared from the same ingredients and in the same manner as sherbets, except that they need not be pasteurized nor contain milk nor milk-derived ingredients, and no egg ingredient, other than egg white, may be used.
- Chewing Gum—Flavored products from natural or synthetic gums and other ingredients which form an insoluble mass for chewing are in this category.
- Candies—These are processed foods made predominantly from sweeteners or artificial sweeteners with a variety of minor ingredients. They include the following types:
  - Hard Candy—A product made predominantly from sugar (sucrose) and corn syrup that may be flavored and colored and is characterized by a hard, brittle texture. It includes such items as sour balls, fruit balls, candy sticks, lollipops, starlight mints, after-dinner mints, sugar wafers, rock candy, cinnamon candies, breath mints, jawbreakers, and cough drops.
  - Jellies and Gums—A mixture of carbohydrates that form a stable, gelatinous, jellylike system. They are generally flavored and colored and include gum drops, jelly beans, and jellied and fruit-flavored slices.
  - Marshmallow Candies—An aerated confection composed of sugar, corn syrup, invert sugar, 20 percent water, and gelatin or egg white, to which flavors and colors may be added.
  - Fondant—A product consisting of microscopic-sized sugar crystals that are separated by a thin film of sugar and/or invert sugar in solution, such as candy corn and soft mints.
  - Licorice—A product made predominantly from sugar and corn syrup that is flavored with an extract made from the licorice root.
  - Spun Candy—A product made from sugar that has been boiled at high temperature and spun at high speed in a

special machine.

- Candy-Coated Popcorn—Popcorn coated with a mixture made predominantly from sugar and corn syrup.

## Free and Reduced-Price Program Administration

All children with access to meal or milk service operated as a pricing program must be given the opportunity to apply for free and reduced-price meal and free milk benefits. No child may be denied benefits if he or she has submitted a properly completed valid application that has subsequently been approved by the SFA or has been directly certified as eligible as a recipient of food stamps or assistance from the Family Employment Program (FEP, formerly Aid to Families with Dependent Children or AFDC).

### Policy

Most of the information on determining student eligibility for free and reduced-price meals can be found in the USDA's booklet, *Eligibility Guidance for School Meals Manual* (FNS-274). This manual contains the requirements for the NSLP, the SBP, the FDP, and the SMP that serves free milk to eligible children. It also includes information on general requirements for participation in the free and reduced-price meal program, a sample free and reduced-price meal policy statement, a description of the methods of processing applications, and a way to determine income and categorical eligibility. *(Eligibility Guidance for School Meals Manual* is one of the booklets that accompany this manual.)

Each SFA must have a free and reduced-price meal policy statement. This statement is a permanent document that may be amended as changes occur. If a SFA has an approved policy on file with the USOE for the NSLP, it only needs to confirm in writing that the policy will also apply to any SBP and/or SMP sites it may add. Updated income guidelines and any other policy or regulation changes are issued annually by the USOE as they become available.

The USOE has drafted a prototype policy. This policy states the institution's administrative procedures and responsibilities in offering free or reduced-price meals or free milk to children in accordance with requirements in 7CFR Part 245 of the current federal regulations, which are included as part of this manual. A copy of the complete prototype is included in each SFA's permanent agreement binder. If a SFA does not adopt this prototype, it must submit one annually for approval, including (1) its public press release about free and reduced-price meals, (2) the notification letter to parents about the program, and (3) the free and reduced-price meals application form for parents and any accompanying information.

### Offering Free and Reduced-Price Meals

Both free and reduced-price meals must be offered. However, if a school serves all meals without charge and wishes to claim only paid reimbursement, it need

not distribute free and reduced-price applications because it is not eligible for free or reduced-price reimbursement.

Under the Special Assistance Certification and Reimbursement Alternatives rule, three different provisions are available to certify and reimburse current free and meal claims. The three have varied eligibility requirements, instructions for claiming reimbursement for meals served, and required documentation. The SFA must notify the USOE of its desire to use any of these provisions. Please see the listings under Provisions 1, 2, and 3 for more information.

### Prevention of Overt Identification of Eligible Children

Schools must take whatever measures are necessary in collecting applications or payments or serving food to ensure that there is no overt identification of children eligible for free or reduced-price meals. To prevent overt identification of free and reduced-price meal recipients, access to the information provided by households on their applications or through direct certification is limited to local, state, and federal officials directly involved in administering the program.

There can be no physical segregation of any child, nor any other discrimination, because of inability to pay full price for meals or milk. The names of children eligible to receive free or reduced-price meals or free milk shall not be published, posted, or announced, and these children cannot be overtly identified by special tokens, tickets, or other means. Eligible children shall not be required to work for meals or milk, use a separate service area, go through a separate serving line, enter the service area through a separate entrance or at a different time, or be served meals or milk that vary from what is sold to children paying the full price.

A "reasonable" notice of sale of meal tickets or other forms of exchange means that advertisements or announcements must be made on a regular basis to the whole student body. No one but appropriate school officials should know the ratio of eligibility categories in the tickets sold. If cash payments are widely used by full-price students, it is strongly recommended that schools consider such options as offering a discount price on multiple meal-ticket sales, working with local parent/teacher organizations to increase sales, or utilizing a different collection procedure.

### Disclosure of Eligibility

Individual children's eligibility for free or reduced-price benefits may be disclosed only for U.S. Department of Education Title I purposes or for the National Assessment of Educational Progress. The specific content of applications may not be released. Only individuals who have an essential need to know and who are directly involved in administering or enforcing these programs may have access to eligibility information. These individuals include contract employees acting on behalf of the federal or state government, who are considered the same as those directly involved in administering or enforcing the authorized programs.

The number of individuals provided access to free and reduced-price eligibility must be minimal. Only those whose function requires eligibility status or information may access the data. They include support personnel, such as those performing automated data processing.

All those using the information must be notified that it is confidential and may not be disclosed or used for unauthorized purposes. In addition, users should be told that criminal penalties are stipulated for misuse of the information.

Although disclosure within these limits is authorized, the final decision to reveal free and reduced-price eligiblity information rests with the SFA.

### Prior-Year Application Approvals

Applications from a prior year are only valid for the first 30 operating days of the new school year or until September 30, whichever comes first. An individual SFA can specify an earlier date. In year-round schools, the prior year's application may only be used for 30 operating days after a new track begins or until September 30, whichever comes first.

### Reduced-Price Charge

SFAs cannot charge more than 40 cents for lunch or 30 cents for breakfast, and the reduced price must be less than the full price. The reduced price may be as low as zero for the student; however, the reimbursement rate remains the same. The reduced-price meal charge must be the same in high schools and elementary schools to ensure that all children from the same household receive equal benefits. (The charge for a full-price meal may be different in secondary and elementary schools, however.)

### Fair Hearing Procedures

A family can appeal an adverse decision made by the SFA with respect to its free and reduced-price meal or free milk application. Prior to initiating a hearing, school officials or the parent or guardian may request a conference to discuss the situation, present information, obtain an explanation of data submitted in the application, and clarify the decisions rendered. Such a conference will not in any way prejudice nor diminish the right to a fair hearing. Information on hearing procedures must be sent to parents and guardians who have been denied free milk or meal benefits when they are informed they must pay full price for milk or full or reduced-price for meals. The fair hearing procedures are itemized in the Free and Reduced-Price Meal Policy, which is part of each SFA's permanent program agreement.

### Special Situations in Utah

Some special situations in Utah are not addressed in the *Eligibility Guidance for School Meals Manual* (FNS-274).

***Acceptable Signatures for Foster Children.*** The Department of Human Services has employees known as trackers who monitor some foster children

in the system. If the tracker is an adult, his or her signature on the free and reduced-price meal application is acceptable.

***Indian Children Placement Program.*** Eligibility for foster Indian children placed by the LDS Church is based on the income of the family with whom they are living. These foster children should be counted as part of the household.

***Subsidized Adoption.*** These children are typically former foster children and/or children with special needs (those with physical or mental disabilities or suffering from the effects of abuse or neglect). The household has adopted the child or children, and a Department of Human Services agency provides a monthly income to assist in paying for each child's care and expenses. In making eligibility determinations, the child should be considered a member of the household, with the money for the child's needs counted as part of the household's total income.

There are some rare instances where the term "subsidized adoption" refers to a legal arrangement in which the child is not considered to be in the custody of any household but is under the legal guardianship of the court. In this case, the child should be treated as a foster child family of one.

***LDS Church Missionaries.*** Missionaries living away from home are part of the economic unit of a family applying for free or reduced-price meals if the family is providing financial support for them. In this situation, the missionary should be included in the household size.

### Verification of Eligibility

Verification is the confirmation of eligibility for free or reduced-price meal benefits. Verification is limited to confirmation of a household's income and, at state or local discretion, household size. Verification is not required for households whose eligibility has been directly certified by state or local agencies responsible for the administration of the Food Stamp Program, FEP (formerly AFDC), or the Food Distribution Program on Indian Reservations (FDPIR). SFAs must verify the income information of a sample of approved applications on file as of October 31 of each year. Responsibility for verification may be assigned at the SFA level or taken at each individual school.

Certain institutions are exempt from verification. These include SFAs in which the FNS has approved claims for special cash assistance based on per capita income statistics and schools where all children are served meals at no separate charge and no special cash assistance is claimed (such as some boarding schools). Schools participating under the special assistance alternatives, Provisions 1, 2, or 3, are required to verify only in the years they take applications for all children in attendance.

Verification may begin any time after approval. The minimum verification requirements must be met by December 15. The SFA may find it possible to anticipate or project the number of approved applications which will be on file on October 31 and begin verification as soon as the approval process has been completed. A report to the USOE is due on December 20.

If verification has not been completed by December 15, a request for an extension of the deadline must be submitted to the USOE, which will forward the request to the regional office of the FNS. The request should include the name, address, and telephone number of the school district; the name and title of the verification official; the date by which the school district expects to complete verification; a specific description of the reason why the school district is unable to complete verification on time; and the signature of a district official. Requests for extension of the verification deadline may occur when there are natural or other disasters which damage or destroy buildings or records, during strikes, or because of sudden absences due to illness, injury, death, or the resignation of the verification official.

A full description of the procedures to be followed for verification is included in the *Eligibility Guidance for School Meals Manual.* Also please refer to the *Free and Reduced-price Application Verification* booklet prepared by the USOE, which accompanies this manual.

# I

## Infant Meals

When children up to one year of age participate in the NSLP or SBP, an infant meal pattern shall be offered. For more information on specific requirements, refer to 7 CFR Parts 210.10 (lunch) and 220.8 (breakfast) of the federal regulations included with this manual.

# L

## Leftover Food

To avoid waste, available food that is not served or remains unopened can be reused in another meal if this practice is not contrary to state and local health codes. Reimbursement is provided to participating SFAs for each meal served to children which meets the meal requirements, regardless of actual consumption. While limited application of this policy is necessary to prevent waste, in schools where nonconsumption and, therefore, the practice of recycling are extensive, measures should be taken to increase consumption through more appealing service, nutrition education, and other means.

Schools may also donate leftover foods to appropriate nonprofit institutions, such as soup kitchens or homeless shelters.

## Lost or Stolen Tickets, Lunch Cards, or Lunch Numbers

The procedures for handling lost, stolen, or misused forms of exchange in a school's food service system (tickets, ID numbers, cards, etc.) must conform to the following standards:

- The school must establish a policy regarding the responsibility of the student for the exchange medium and advise parents and students about it in writing. Notice of the policy will be sent when applications are distributed to households or upon approval for free or reduced-price meal benefits.
- A minimum of three replacements or special meal arrangements resulting from lost, stolen, or misused exchange forms must be allowed each student during the school year.
- The school must maintain a list of students who have had problems with lost, stolen, or misused forms during the current school year and the number of times they have occurred. Before a meal is denied to any student, the list should be reviewed to determine if three problems have been reported.
- At least one advance written warning must be given to the student and parents prior to refusal of a meal. The written warning must include an explanation that the student has repeatedly abused the policy and will be expected to either bring lunch or pay full price for it.
- Meals must always be provided to preprimary and young elementary students or any disabled students who may be unable to take full responsibility for their exchange form.

# M

## Meal Accountability

Schools must maintain auditable records to document eligibility of meals and milk claimed for reimbursement. Minimum records include (1) point-of-service and kitchen participation counts, and (2) complete meal-production information.

### Meal Count

An accurate meal count by category must be taken daily at the point of service (see the Daily Lunch and Milk Record form in the Supplementary Materials section of this manual). To document that the system is accurate, it is necessary to obtain two types of meal counts by different individuals and methods. These are usually designated as the point-of-service (office) count (by eligibility category) and the kitchen count (by food, plates, or trays). The point-of-service count must follow the procedures detailed in the SFA's approved free and reduced-price meal policy statement, which is found in the permanent agreement binder. For more information, see the *Meal Counting and Claiming Manual* (FNS-270), which accompanies this manual.

***Kitchen Meal Count.*** The purpose of the kitchen count is to validate the total number of meals served. It would be a good management practice if the kitchen count could also distinguish adults from children. Some programs use a different-colored tray for adults to assist in portion control as well as keep an accurate count.

***Point-of-Service Meal Count.*** The point-of-service count is used to determine the number of meals served by category. The daily count should be able to distinguish

- Meals served to students: regular program participants (free, reduced price, and paid); cafeteria workers (free, reduced price, and paid); and others (nonprogram children).
- Meals served to adults: program personnel (kitchen workers, school food service staff, and other service personnel, such as custodians and supervising teachers); and nonprogram visitors (approved guests, faculty, and staff).

If meals are served on credit, they must be included as part of the point-of-service count on the day they are served, not the day they are paid. This is the only way the kitchen count will be able to reconcile the system's accuracy.

### Meal Production Records

The school food program requires sufficient records to show meal compliance. A copy of the Food Production Record form is included in the Supplementary Materials section of this manual. The format differs depending on which menu-planning system a school chooses (NuMenus, Assisted NuMenus, food based, traditional, or any other reasonable approach).

***Actual Usage.*** The Food Production Record form becomes an auditable document of program operations. It must include

- the menu,
- preplanned quantities of food,
- substitutions,
- foods which establish meal compliance,
- a record of USDA-donated foods used,
- a record of purchased foods used,
- portion sizes of all menu items,
- the number of servings planned,
- the total amount of food items actually served, and
- the kitchen count.

A daily record of USDA-donated foods used must be maintained. This record can combine inventory information with figures from the Food Production Record form. (See the *Food Distribution Program Administrative Manual* which accompanies this manual for more information.)

***Food-Buying Guide.*** The Short Form Meal Compliance Guide, which is found in the Supplementary Materials section of this manual, is a simplified food-buying guide developed to assist SFAs in determining quantities of food to prepare. It could also be used to assure meal compliance. Foods not listed on the current form are found in the USDA's *Food Buying Guide for Child Nutrition Programs* (Program Aid #1331), a booklet included with this manual. Otherwise SFAs must obtain a manufacturer's individual product specifications to document that they are meeting meal requirements (the USDA's CN label does not specify nutrients and is unacceptable for analysis).

***Nutrients.*** Adherence to the "Dietary Guidelines for Americans" is required, and training modules are available to assist in implementation. Special emphasis is placed on lowering fat, cholesterol, sugar, and salt and increasing fiber in the menu for school meals.

***Preplanning.*** The Food Production Record form is designed as a preplanning tool to help determine the menu and quantities of food needed to meet the meal requirements of the students. The minimum requirement is to have five days planned in advance at all times. When choices are offered to students, each menu must be preplanned individually to assure that meal requirements are met.

## Meal Hours

Meals must be offered at "traditional" times — breakfast before 9 a.m., and lunch between 10 a.m. and 2 p.m. Exceptions may be allowed when a school is operating at an out-of-the-ordinary time, for example, when a school district has responded to a shortage of classroom space by scheduling two sessions, and one of them convenes very early or late in the day. Evening meals served to students in adult education courses, delayed diploma programs, or GED programs are not reimbursable.

## Meals for Secondary Students Attending College

High school students who attend college under special study programs to gain both high school and college credit and work-study students must be treated the same way. Take-out meals may be served to these students by their appropriate schools and claimed for reimbursement. Providing these meals, however, is at the option of the participating school since SFAs are only required to make meals available to eligible students who are present during the meal period.

## Meals Outside School Hours/School Days

Meals served on weekends in boarding schools are reimbursable only in situations where the weekend is a bona fide extension of the weekday educational activities. Meals served by other schools on the weekend may be reimbursed if the occasion is not simply a school-affiliated extracurricular event or activity, such as football, band, or chorus, but an integral part of the curriculum. The decision as to whether an activity is an integral part of the curriculum must be made by the USOE after a review of the situation with the school.

## Meals Produced Outside the Normal Cafeteria Environment

Meals may be prepared and served outside the normal cafeteria environment (in a student-operated restaurant, as a classroom activity, etc.) and claimed for reimbursement if the following standards are met:

- Foods served must meet all meal-pattern requirements.
- An accurate meal count must be made by category at the point of service and reported properly.
- Adult supervision is needed to assure that meals are consumed by students.
- Proper records must be maintained to demonstrate compliance with program requirements.
- USDA-donated foods may be used if there is a clear audit trail.

## Meals Served on Credit

The SFA or school may establish a written policy about charging meals. When the credit limit has been reached, extending additional credit for full or reduced-price meals may be declined.

Schools are not required to serve children who receive full or reduced-price meals but do not bring money to pay. Many districts have adopted a no-charge policy. This means that the child who comes to school without money or a lunch from home is (1) given an alternate (partial) meal which is not claimed for reimbursement, or (2) given an opportunity to call the parents so they may make provisions for a meal. Another alternative is to develop a controlled method for implementing limited charges to cover emergencies.

## Meals Served to Continuous-School-Calendar Students

In schools which operate on a continuous school calendar, any meals served to students who are "off track" are not eligible for reimbursement. Students who participate in enrichment and special classes may be claimed for reimbursement.

## Menu Choices

To provide variety and encourage consumption and participation, schools should, whenever possible, offer a selection of foods and types of milk for children to make choices. When a school offers more than one lunch, or a variety of foods and types of milk within the required meal pattern, all children must be allowed the same selections whether they are eligible for free or reduced-price meals or pay the full price.

In instances where schools offer different-priced meals, children who qualify for free or reduced-price meals must have a choice of any reimbursable meal regardless of the price to the paying child. Schools may establish higher prices for "jumbo" meals, but free and reduced-price students must be allowed to receive meal benefits for either jumbo or regular meals.

## Menu-Planning Systems

School meals must comply with the recommendations of the "Dietary Guidelines for Americans" (included in the Supplementary Materials section of this manual). Schools have the option of choosing a menu-planning system. The systems include

- NuMenus,
- Assisted NuMenus,
- Food-based menus,
- The traditional meal pattern, and
- Any other reasonable approach.

School lunches must meet one-third of the U.S. recommended dietary allowances (USRDA) for protein, vitamin A, vitamin C, iron, and calcium as well as one-third of the recommended energy intake (calories). School breakfasts must meet one-quarter of the USRDA for protein, vitamin A, vitamin C, iron, and calcium as well as one-fourth of the recommended energy intake. Both lunches and breakfasts must contain no more than 30 percent calories from fat and less than 10 percent calories from saturated fat. Levels of sodium, cholesterol, and fiber will be monitored, but there are no specific amounts. Compliance is measured over a school week. More specific information can be found in the USDA manual, *Healthy School Meals Training*.

***NuMenus for Breakfast.*** A breakfast consists of a minimum of three menu items, which are fluid milk served as a beverage and any two other foods except those of minimal nutritional value. Meals must meet the nutrient standards averaged over a week. Nutrient analysis of the menus must be conducted by the school using USDA-approved software and a food database. For more information, consult *Healthy School Meals Training*.

***NuMenus for Lunch.*** Under the NuMenus guidelines, a school must offer at least three lunch items. One must be fluid milk and another an entree. The entree is defined by the school. All foods, including desserts, extras, and condiments, count toward the nutrient content.

The required grade groups are preschool, grades K–6 (K–3 and 4–6 optional), and grades 7–12, or children can be grouped by age. The age groups are 3–6, 7–10, 11–13, and 14–17, or as defined by the school using its computer software.

Meals must meet the nutrient standards averaged over a week. A week is defined as a minimum of three and a maximum of seven consecutive school days. Nutrient analysis of the menus must be conducted by the school using USDA-approved software and a food database. For additional information, consult *Healthy School Meals Training.*

***Assisted NuMenus for Breakfast and Lunch.*** The Assisted NuMenus system allows a school to have menus and the required nutrient analysis completed by an outside consultant. The menu cycle must meet the nutrition standards and abide by the same procedures and policies that govern NuMenus.

***Food-Based Menu System for Breakfast.*** The breakfast consists of a minimum of four required foods: fluid milk served as a beverage; two servings of grain/bread and/or meat or meat alternate; and one serving of juice/fruit/vegetable. The number of food items for breakfast remains a daily criterion. A minimum number and size of servings per day and/or week are specified for each food item. For information on specific food components and serving sizes, refer to the USDA manual, *Healthy School Meals Training.*

***Food-Based Menu System for Lunch.*** The required grade groupings are preschool, grades K–6, and grades 7–12. One grain dessert may count toward the grain/bread requirement each day. Schools must offer both whole and lowfat milk unless the school can show that less than 1 percent of the students did not take one of these types of milk during the prior school year. Meals must meet nutrient standards and will be analyzed by the USOE to assure compliance.

The meal-pattern requirements for the food-based menu system for lunch are listed in the following chart.

| FOOD-BASED MENU SYSTEM | | | | | |
|---|---|---|---|---|---|
| Food Components/Items | Required Ages 1–2 | Required Preschool | Required Grades K–6 | Required Grades 7–12 | Optional Grades K–3 |
| MILK (as a beverage) | 6 ounces | 6 ounces | 8 ounces | 8 ounces | 8 ounces |
| MEAT OR MEAT ALTERNATE (quantity of the edible portion as served) | | | | | |
| Lean meat, poultry, or fish | 1 ounce | 1½ ounces | 2 ounces | 2 ounces | 1½ ounces |
| Cheese | 1 ounce | 1½ ounces | 2 ounces | 2 ounces | 1½ ounces |
| Large egg | ½ | ¾ | 1 | 1 | ¾ |
| Cooked dry beans or peas | ¼ cup | ⅜ cup | ½ cup | ½ cup | ⅜ cup |
| Peanut butter or other nut or seed butters | 2 tablespoons | 3 tablespoons | 4 tablespoons | 4 tablespoons | 3 tablespoons |
| The following may be used to meet no more than 50 percent of the requirement and must be used in combination with any of the above: peanuts, soynuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternate (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry, or fish). | ½ ounce = 50 percent | ¾ ounce = 50 percent | 1 ounce = 50 percent | 1 ounce = 50 percent | ¾ ounce = 50 percent |
| VEGETABLE/FRUIT (two or more servings of vegetables or fruit or both) | ½ cup | ½ cup | ¾ cup plus an extra ½ cup over a week* | 1 cup | ¾ cup |
| GRAIN/BREAD Must be enriched or whole grain. A serving is a slice of bread or an equivalent serving of biscuits, rolls, etc., or ½ cup of cooked rice, macaroni, noodles, other pasta products, or cereal grains. | 5 servings per week — minimum of ½ per day* | 8 servings per week — minimum of 1 per day* | 12 servings per week — minimum of 1 per day * ** | 15 servings per week — minimum of 1 per day * ** | 10 servings per week — minimum of 1 per day * ** |

* For the purposes of this chart, a week equals five days.
** Up to one grain/bread serving per day may be a dessert.

***Traditional Meal Pattern for Breakfast.*** Schools may continue to use the traditional meal pattern. The USOE will complete a nutrient analysis of the menus to determine compliance. The age groups and bread requirements are



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slightly different from the food-based menu system. If more information about this menu-planning choice is needed, contact a CNP specialist.

Under the traditional meal pattern for breakfast, schools must offer fluid milk as a beverage or on cereal; one serving of fruit or vegetable or both, or full-strength fruit or vegetable juice; and two servings of bread/bread alternate or meat/meat alternate, or one serving of each. The serving-size requirements for the traditional meal pattern for breakfast are listed in the following chart.

| Required Minimum Quantities | | | |
|---|---|---|---|
| Food Components/Items | Ages 1–2 | Ages 3–5 | Grades K–12 |
| MILK (fluid)<br>As a beverage, on cereal, or both | ½ cup<br>(4 ounces) | ¾ cup<br>(6 ounces) | ½ pint<br>(8 ounces) |
| JUICE/FRUIT/VEGETABLE*<br>Fruit and/or vegetable or full-strength fruit or vegetable juice | ¼ cup | ½ cup | ½ cup |
| BREAD OR BREAD ALTERNATE** | | | |
| Bread (whole grain or enriched) | ½ slice | ½ slice | 1 slice |
| Biscuit, roll, muffin, or equal serving of cornbread, etc. (Whole grain or enriched meal or flour) | ½ serving | ½ serving | 1 serving |
| Cereal (whole grain or enriched or fortified) | ¼ cup or ⅓ ounce | ⅓ cup or ½ ounce | ¾ cup or 1 ounce |
| MEAT OR MEAT ALTERNATE | | | |
| Lean meat, poultry, or fish | ½ ounce | ½ ounce | 1 ounce |
| Cheese | ½ ounce | ½ ounce | 1 ounce |
| Large egg | ½ | ½ | ½ |
| Cooked dry beans or peas | 2 tablespoons | 2 tablespoons | 4 tablespoons |
| Peanut butter or other nut or seed butters | 1 tablespoon | 1 tablespoon | 2 tablespoons |
| Nuts and/or seeds (as listed in program guidance)*** | ½ ounce | ½ ounce | 1 ounce |

*A citrus juice or a fruit or vegetable juice that is a good source of vitamin C is recommended daily (see *Menu Planning Guide for School Food Service* [Program Aid #1260]).

** See *Food Buying Guide for Child Nutrition Programs* (Program Aid #1331) for serving sizes for bread and bread alternates.

***No more than one ounce of nuts and/or seeds may be served at any one meal.



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***Traditional Meal Pattern for Lunch.*** Schools may continue to use the traditional meal pattern. The USOE will complete a nutrient analysis of the menus to determine compliance. The age groups and bread requirements are slightly different from the food-based menu system. Under the traditional meal pattern, desserts do not count toward the grain/bread requirement. If more information about this menu-planning choice is needed, contact a CNP specialist.

Schools must offer a five-component meal, consisting of milk served as a beverage, meat or meat alternate, two servings of vegetables or fruit, and bread or bread alternate. The serving-size requirements for the traditional meal pattern for lunch are listed in the following chart.

| Required Minimum Quantities | | | | | Recommended Quantities |
|---|---|---|---|---|---|
| Food Components/Items | Ages 1–2 Preschool | Ages 3–4 Preschool | Ages 5–8 Grades K–3 | Age 9 & older Grades 4–12 | Age 12 & older Grades 7–12 |
| MILK (as a beverage) Fluid whole milk and unflavored lowfat milk must be offered (flavored fluid milk, skim milk, or buttermilk is optional). | ¾ cup (6 ounces) | ¾ cup (6 ounces) | ½ pint (8 ounces) | ½ pint (8 ounces) | ½ pint (8 ounces) |
| MEAT OR MEAT ALTERNATE (quantity of the edible portion as served) | | | | | |
| Lean meat, poultry, or fish | 1 ounce | 1½ ounces | 1½ ounces | 2 ounces | 3 ounces |
| Cheese | 1 ounce | 1½ ounces | 1½ ounces | 2 ounces | 3 ounces |
| Large egg | ½ | ⅝ | ¾ | 1 | 1½ |
| Cooked dry beans or peas | ¼ cup | ⅜ cup | ⅜ cup | ½ cup | ¾ cup |
| Peanut butter or other nut or seed butters | 2 Tbs. | 3 Tbs. | 3 Tbs. | 4 Tbs. | 6 Tbs. |
| The following may be used to meet no more than 50 percent of the requirement and must be used in combination with any of the above: peanuts, soynuts, tree nuts, or seeds, as listed in program guidance, or an equivalent quantity of any combination of the above meat/meat alternate (1 ounce of nuts/seeds = 1 ounce of cooked lean meat, poultry, or fish). | ½ ounce = 50 percent | ¾ ounce = 50 percent | ¾ ounce = 50 percent | 1 ounce = 50 percent | 1½ ounces = 50 percent |
| VEGETABLE/FRUIT (two or more servings of vegetables or fruit or both) | ½ cup | ½ cup | ½ cup | ¾ cup | ¾ cup |
| BREAD OR BREAD ALTERNATE Must be enriched or whole grain. A serving is a slice of bread or an equivalent serving of biscuits or rolls, etc., or noodles, other pasta products, or cereal grains. | 5 servings per week — minimum of ½ per day* | 8 servings per week — minimum of 1 per day* | 8servings per week — minimum of 1 per day * | 8 servings per week — minimum of 1 per day * | 10 servings per week — minimum of 1 per day * |

* For the purposes of this chart, a week equals five days.



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***Any Reasonable Approach for Breakfast and Lunch.*** Schools may use "any reasonable approach" to plan and prepare meals as long as it complies with the nutrition standards of the NSLP and SBP. Additional information is being developed by the USDA, but there must be a method for judging that the alternative system will, in fact, comply with nutrition guidelines.

## Milk Requirements and Recycling

The state sanitation code prohibits serving reconstituted dry milk in public eating establishments except as an ingredient in something cooked. If fresh milk is not available, ultra-high- temperature (UHT), long-shelf-life milk must be used (see **Exceptions to the Meal-Pattern Requirements).**

Milk that has been served and taken to the dining area by a participant but not opened may not be retrieved and re-served (recycled). Milk is a perishable food, and cleaning the unopened container and rechilling the milk will not render it safe.

## Milk Standards for Utah

Milk means pasteurized fluid types of unflavored or flavored milk, lowfat milk, skim milk, or cultured buttermilk which meet state and local standards. All milk must contain vitamins A and D at levels specified by the Food and Drug Administration. SFAs are free to establish their own policies as to which types of milk meeting Utah standards will be served. Whole milk must be available unless it can be documented that it constituted less than 1 percent of the milk selected in the prior year. The type of milk does not affect the reimbursement rate. However, sponsors are responsible for making sure that the milk claimed for reimbursement meets state and local standards. These are the Utah milk standards:

- Whole Milk

Fat: 3.25 percent milk fat
Solids: 8.25 percent milk solids (not fat)

- Light or Lowfat Milk

Any milk designated lowfat must declare the amount of fat on the label. The label must also indicate the amounts and kinds of any nutrients added to the milk. Commonly available types of lowfat milk are .5, 1, and 2 percent.

- Fat-free, Skim, or Nonfat Milk

Fat: .0–.5 percent milk fat
Solids: 8.25 percent milk solids (not fat)

- Flavored Milk

Flavor or sweetener may be added to any of the listed types of milk.

- Ultra-High-Temperature (UHT) Milk

UHT milk is pasteurized by heating it to a minimum temperature of 280%F for two to three seconds. As a result of this heat treatment, the product can be stored without refrigeration for 3 to 12 months.

- Acidified Milk

Acidified milk is produced by souring the milk with an agent. Examples of acidified milk are acidified kefir milk and cultured acidophilus milk. (This does not include cottage cheese and/or yogurt.)

- Cultured Milk

Cultured milk has had a selected microorganism added under controlled conditions to produce a specific flavor and/or consistency. Examples are cultured buttermilk, cultured kefir milk, and cultured acidophilus milk. (This does not include cottage cheese and/or yogurt.)

- Lactose-Reduced Milk

Lactose-reduced milk is modified by the addition of lactose enzymes. People who are lactose intolerant may benefit from this type of milk.

- Milkshakes

Milkshakes may be used to meet the requirement if they contain eight ounces of fluid milk.

## N

### Nonpricing Food Programs

In a nonpricing program, all children are served the meal or milk without charge. The cost of the meal or milk, beyond the federal reimbursement rate, is borne by the school as an expense of operating the program.

### Nonprogram Children's Meals

Meals served to children who are not enrolled in school must not be claimed for reimbursement. The school may set the price lower than the adult amount because smaller portions are usually served to nonprogram children who are officially visiting, but the price must still cover all costs on the same basis as for adults.

Nonprogram children include siblings not enrolled in the school who are attending for a special occasion, such as National School Lunch Week, or relatives and friends who are visiting enrolled children or attending school with them. These children may be served but not claimed for reimbursement.

Children who are enrolled in another district of the state and are in the school to participate in a special function (music, drama, debate, etc.) may be served a meal and claimed for reimbursement. Unless the school obtains approved eligibility from the student's school, such meals may only be claimed at the paid rates. For audit or review purposes, meal count records should note that there were visiting students.

When children who attend year-round schools are on periodic vacations or off track, they are considered nonprogram and may not be claimed. If such children are attending educational enrichment courses or making up classwork, they may be claimed for reimbursement.

### Nonreimbursable Meals

Reimbursement is available only for approved children's meals which meet program requirements. No other meals or food items are reimbursable. A la carte items cannot be used to make a meal reimbursable. For example, an a la carte milkshake purchased separately may not be combined with a hamburger on a bun, bought at the regular meal price, to make a reimbursable meal.

### Nutrition Education and Training

Nutrition Education and Training programs (NET) provide the opportunity for teachers, students, and CNP personnel to work and study together in public or private schools and child care centers and institutions.

NET integrates concepts about the basic nutritional value of food and the relationship between proper nutrition and physical, mental, and emotional health and well-being into the existing curriculum to improve selection and consumption of well-balanced meals.

Each NET-funded project must be evaluated and monitored. Statistical information is compiled by the NET coordinator in the CNP unit of the USOE to substantiate the number of children, students, and teachers provided with nutritional information each fiscal year.

Four goals have guided the NET program since its inception. Objectives, strategies, evaluation techniques, and a budget are then applied to the goals as the NET State Plan is written and approved for the year.

- **Goal 1**—To continue developing and conducting a program to train teachers in sound principles of nutrition and motivate them to integrate concepts about the basic nutritional value of food and the relationship between proper nutrition and physical, mental, and emotional health and well-being into existing curriculum to improve selection and consumption of nutritionally well-balanced meals by children in public and private schools, child care centers, and other institutions.
- **Goal 2**—To develop programs that offer nutrition education in public and nonpublic schools, child care centers, and other institutions.
- **Goal 3**—To improve the skills of personnel in food preparation and service in public and private schools, child care centers, and other institutions.
- **Goal 4**—To develop and/or purchase, for distribution to schools, child care centers, and other institutions, learning activities and instructional materials as a basis for long-term nutrition education programs, which can result in a systematic coordination of nutrition concepts with other areas of the curriculum.

## O

### Offer Versus Serve

Offer versus serve is a method designed to reduce food waste and cost without jeopardizing the nutritional integrity of the meals served. It allows secondary school students and, when approved by the SFA and USOE, those in other grades to decline some foods they do not intend to eat. The choice to decline some meal components does not affect the cost of the meal, which must be priced as a unit. The paying student pays the full price, the student eligible for reduced price pays the current reduced amount, and the student eligible for a free meal pays nothing as long as he or she takes the minimum number of components. Where the offer versus serve provision is in place, it applies to all students receiving a reimbursable meal. Consult the USDA manual, *Healthy School Meals Training*.

The SFA must notify the USOE on its Schedule A annually of schools implementing the offer versus serve option. Offer versus serve is mandatory at the secondary level.

## Preschool and Kindergarten Children

Preschool-age children may participate in the NSLP and SBP if they are part of a program conducted in the SFA's facilities (e.g., preschool day care or Head Start), whether sponsored by the SFA or a nonprofit private organization. However, meals may not be claimed for reimbursement in the NSLP or SBP if the children are participating in the CACFP or SMP at the same time.

In some situations, kindergarten children do not normally participate in the meal program but may be occasionally invited to do so by the school. In such instances, those students from families with approved applications on file in the school must be served free or reduced-price meals as eligibility justifies. For kindergarten students without siblings in the same school, the school or district should send home an application in advance of the meal service. To prevent overt identification, it is recommended that this be done at the beginning of the school year as it is with the other children.

## Pricing Food Programs

In a pricing program, children not eligible for free or reduced-price meals or free milk are charged an amount intended to make up the difference between the cost of the service and state and federal reimbursement, plus the value of commodities. Meals must be priced as a unit and furnished without cost or at a reduced price to all children who qualify in accordance with the SFA's approved free and reduced-price policy statement.

A student's decision to decline food items or accept smaller portions may not affect the charge for breakfast or lunch. Items planned and served a la carte must be separately priced.

## Private School Contracts

SFAs may provide contract meals to eligible private schools and claim them as sites under their own agreeement. The SFA must submit a copy of the contract to the USOE to have the private school added to its agreement and Schedule A. This contract should include the following provisions:

- The SFA assumes full liability and financial responsibility for the operation of the program in all schools under the agreement. This includes meeting all program requirements, particularly those concerning correctly approved applications, civil rights compliance, verification, meal pattern compliance, and accurate meal counts.
- Applications for free and reduced-price meals must be provided to all students. All qualified students must receive benefits.

- Partial implementation of the NSLP, SBP, or SMP is not allowed. On any day school is in session, the meal or milk service must be available to students.

To protect the SFA, the contract should contain a statement specifying that any disallowances or overclaims resulting from audits or reviews are the responsiblity of the private school.

To be eligible to participate in the NSLP, SBP, and SMP, private schools must meet these criteria:

- Qualify under the definition of a private school according to the USOE;
- Meet the requirements of nonprofit status as approved under Section 501(c)(3) of the Internal Revenue Code of 1954; and
- Be funded through a public school district if students are disabled and over age 21.

## Program Application and Agreement

An application to participate in the NSLP, SBP, and SMP is available from the USOE. After acceptance of the application, a permanent agreement between the USOE and the SFA is signed. This agreement states that the SFA shall, with respect to participating schools/units under its jurisdiction, administer the programs according to established rules, regulations, and guidelines. Attached to the agreement is a Schedule A, which lists all sites under the SFA's jurisdiction where the program(s) can operate. The agreement may be amended as necessary, and an annual update of Schedule A is required.

## Program Assistance

Each SFA shall provide the following assistance to school food programs:

- Supply consultative, technical, and managerial personnel, as needed, to administer programs and monitor performance toward achieving program goals;
- Include visits to ensure compliance with program regulations;
- Conduct an annual monitoring visit to each program site to be completed by February 1. (The SFA Site Monitoring form is included in the Supplementary Materials section of this manual.);
- Take necessary steps to inform and assist personnel and follow through with requirements mandated under the CRE; and
- Assist the USOE staff in performing supervisory assistance reviews so that program management is effective and adheres to requirements, including certification of correct benefits, accurate counting, and implementation of breakfast service procedures.

## Provision 1 Special Assistance Certification and Reimbursement Alternative

A SFA with a school where at least 80 percent of the children enrolled are eligible to receive free or reduced-price meals during March of the first school year shall, if the school requests, authorize that school to certify those children for an additional school year.

Public notification and certification procedures are subject to the usual requirements with one exception: children certified for free meals during the first school year need not be publicly notified or certified again for the next year. All other children must be notified and certified according to standard program requirements. The SFA should review its notification system carefully to ensure that no child is overtly identified by the method it implements.

Schools must continue to record the number of free, reduced-price, and paid meals served as a basis for calculating reimbursement claims each school year.

A SFA must submit a separate meal policy statement which includes a list of schools participating and their initial date of involvement. A signed statement by a SFA official must be included, certifying that the schools listed have met the basic eligibility requirements. The SFA is responsible for maintaining documentation to support the 80 percent eligibility for free and reduced-price meals and making it available to the USOE upon request.

## Provision 2 Special Assistance Certification and Reimbursement Alternative

A SFA with a school that elects to serve all children free meals and pay for the meals for non-needy children from sources other than federal funds shall authorize that school, upon request, to certify children for free and reduced-price meals for a three-year period based on eligibility during the first year.

Schools may extend the three-year cycle by two additional years if available socioeconomic data indicate that the income level of the school population has not changed since the beginning of the initial three-year cycle.

At the end of the five-year cycle, these schools may apply for a new five-year cycle. When they reapply, these schools do not need to make new free and reduced price determinations nor develop new claiming percentages if the socioeconomic status has not changed.

If the data indicate a change in the socioeconomic status, the school may initiate a new five-year cycle by making new free and reduced price determinations and developing new claiming percentages during the first year.

The socioeconomic data must be approved by the USDA. Approved sources include local data developed or collected by city or county zoning and economic planning offices, unemployment figures for the school's area of attendance, or local food stamp certification information.

A school may provide public notification only at the beginning of the three-year or five-year period or, if it chooses, may publicly notify parents and certify children more often.

A school operating under this provision must take daily counts of the number of meals served by meal type (free, reduced-price, paid) during the first year. These meal counts are converted to percentages by dividing the total number of meals served of one meal type (e.g., free meals) by the total number of meals served in the same month for all meal types (free, reduced-price, paid). The percentages derived each month of the first school year will be applied to the corresponding monthly meal-count totals during subsequent school years.

Each SFA shall continue to file monthly claim forms and shall calculate the number of meals to be reported by category during the corresponding month of the first year and develop the procedure to determine the number of meals served by category (free, reduced-price, paid) on a daily basis during subsequent years.

The SFA must submit a separate meal policy for Provision 2 schools. The statement should include a list of schools participating and their initial date of involvement. The SFA is responsible for maintaining documentation of monthly percentages calculated for each meal type (free, reduced-price, paid) at each school during the first school year to be used in claiming reimbursement during subsequent years. Upon request, these figures must be made available to the USOE.

## Provision 3 Special Assistance Certification and Reimbursement Alternative

Under Provision 3, schools serve free meals to all children for a period not to exceed four successive school years. Schools may not use any federal funds to make up for the difference in providing meals to reduced-price and paying children.

Federal meal reimbursement is based upon the assistance received in the base year, the one when free and reduced-price eligibility determinations and meal counts by eligibility category are made. These calculations are only required during the base year. The school may charge reduced-price and paying students the appropriate price for meals during that year.

At the end of the initial four-year period, the school may continue to serve all meals free for an additional four years without making new free and reduced-price eligibility determinations or taking daily meal counts if the income level of the school's population has remained constant. This determination is based on approved socioeconomic data submitted by the school to the USOE. These data are the same as those itemized under Provision 2. Equivalent data must be used for both the base and current year.

If there is a change in the income level, a new base year may be established by making new free and reduced-price eligibility determinations and taking daily meal counts by eligibility category to set a cash level for the next four-year cycle. Students not eligible for free meals must be charged during the base year.

## Public Schools

Public schools are those educational units which are publicly funded and are recognized and governed by the USOE. All public schools are eligible to participate in the NSLP, SBP, and SMP under a district sponsorship.

# R

## Records Availability

All accounts and records pertaining to the NSLP, SBP, and SMP must be made available to representatives of the USOE and/or the USDA for audit or review at any reasonable time and place. Records must be retained for three years after the end of the fiscal year to which they pertain unless an audit exception makes it necessary to hold them longer in the case of unresolved issues.

## Reimbursable Meals

Meals that meet program requirements are eligible for federal financial assistance through the USOE. A reimbursable meal is one

- Served to children enrolled in the educational program of the school, or visiting from another school, and in attendance at the time of the meal service (including kindergarten children);
- Claimed by an approved eligibility category; and
- Meeting the minimum meal-pattern requirements for lunch or breakfast.

## Reimbursement Categories

***Breakfast Reimbursement.*** The USDA establishes national average payment rates for breakfast. These rates, which reflect changes in the cost of operating a breakfast program, are set annually and determine the reimbursement rates. Commodities may be used for breakfast although there are no additional ones provided for the SBP. No state funds are available for the SBP.

***Lunch Reimbursement.*** General cash assistance (Section 4) is disbursed for all eligible school meals. In addition, special assistance (Section 11) funds are paid for meals served free or at a reduced price to eligible children.

***Severe Need Reimbursement for Breakfast and Lunch.*** Schools may receive severe need payments for free and reduced-price breakfasts. These payments are in addition to regular reimbursement. To qualify for the severe need money, the schools must meet the following criteria:

- The standard reimbursement rate is insufficient to cover the cost of the SBP. Cost-per-meal accountability must be separately detailed on the Justification for Severe Need Breakfast Reimbursement report (SOE-25-2562-49/10-95).
- The school is participating in or initiating a breakfast program.
- Forty percent or more of the lunches at the school in the second preceding year were served to students qualifying for free or reduced-price meals.

- A written request to receive severe need reimbursement must be approved by the USOE prior to the payment of additional rates. The school makes this request by amending its annual Schedule A.

Severe need reimbursement payments shall be the lesser of the cost of providing free and reduced-price breakfasts or the severe need reimbursement rate. The SFA must maintain records to support the reimbursement rate. To establish eligibility and determine the amount of severe need payments, individual SFAs must have a system which reports and monitors SBP costs.

An additional two cents per lunch is available to SFAs which served 60 percent or more free or reduced-price lunches districtwide during the second preceding year.

***State Reimbursement for Lunch.*** Utah law provides a 13 percent tax on the sale of wine and distilled liquor to administer a school lunch program in the public schools. Funds are disbursed according to the number of lunches claimed in each district. These funds also cover the cost of commodity freight charges to school districts. All funding is based upon eligible lunches served to participating children.

***Special Milk Reimbursement.*** To qualify for the free milk reimbursement (actual dairy cost per half-pint), approved applications must be filed with the SFA for each participating child. To establish eligibility and determine the amount of payments, individual SFAs must have a system which reports and monitors SMP costs. If children's eligibility is not determined, milk will be reimbursed at the annually established rate, which is less than the full cost of the milk. No state funds are available for this program.

## Reviews by the State Education Agency

A standard management practice of the USOE is to visit each SFA to review and assess local program operations and provide technical assistance and training (TAT) where possible. The School Meals Initiative (SMI) review and the Coordinated Review Effort (CRE) monitor program operations of a SFA once every five years. TAT takes place in those years when a CRE or SMI is not conducted

# S

## Sanitation

In the storage, preparation, and service of food, schools must maintain proper sanitation and health standards in conformance with all applicable state and local laws and regulations. Further details are contained in the Utah Sanitation Code, which may be obtained from the local or state Department of Health.

Food service personnel must wear hair restraints and uniforms. A uniform is defined as a presentable outfit worn only while working in the food service preparation facility. Personnel should also hold a valid food handler's permit, as required by local health officials. Student help should also wear hair restraints and aprons or smocks. They do not need food handler's permits, but they must be supervised and follow proper sanitation procedures.

## Schedule Conflicts

Students who are not able to attend the regular meal period due to schedule conflicts must still be provided a meal. Arrangements must be made by the participating school.

## School Food Authorities

Both public and private schools are eligible to participate in the NSLP, SBP, and SMP. Each School Food Authority (SFA) must make an annual written agreement or renewal with the USOE to administer the programs. A facility can only claim students' meals if it accepts the full administrative responsibility for those children.

## Second Meals

It is the intent of the program to plan and prepare one lunch and/or breakfast per child per day. Second meals may not be claimed for reimbursement. Schools are cautioned not to plan and prepare second meals unless they intend to absorb the cost.

## Special Milk Program

All public and nonprofit private schools which do not participate in the NSLP, the SBP, or the CACFP, or where enrolled children do not have access to these programs, may participate in the SMP, including split-session kindergartens and prekindergartens. To participate in the SMP, SFAs need to

- Notify the USOE on Schedule A of their intent to implement the program;
- Indicate whether a pricing or nonpricing program will be implemented; and
- Keep and make available for review and audit complete records of program operation.

## Program Operation

Milk may either be reimbursed at the regular (paid) rate, or, under the free milk option, at full dairy cost for eligible children. The reimbursement rate for milk served in nonpricing programs and to non-needy children in pricing programs is set annually and is less than the actual cost of the milk. In a pricing program, children who qualify must be provided milk at no cost. To qualify for free milk, a free or reduced-price meals/milk application form must be completed by the child's family or guardian and approved by the SFA.

The SFA will receive reimbursement for each half-pint of milk served to children. There is no limit on the number of half-pints served, and they may be split for younger children. If food is served with the milk, the SFA must pay for it with other funds; there is no reimbursement available for food. Under a pricing policy, the rate may be set at whatever amount is needed to defray costs.

If pricing with the free milk option is selected, a daily count by eligibility category is required. With the nonpricing program, only a count of the total half-pints served each day is required.

The price charged for milk sold to adults is established by the SFA. However, the charge must cover all costs (labor, price paid to the milk vendor, administration, etc.). Reimbursement cannot be claimed for milk served to adults.

## Pricing Structure

The SFA may elect to have a nonpricing or pricing program for the SMP. In a pricing program, the free milk option must always be available.

***Nonpricing.*** Milk is provided to all children without charge. The cost of the milk, beyond the federal reimbursement rate, is borne by the SFA. SFAs electing a nonpricing program must submit a Nonpricing Milk Policy Statement.

***Pricing.*** All children are charged a price per half-pint which is established locally. The price paid by the children reflects the difference between the federal reimbursement rate and the cost of the milk. SFAs electing a pricing program must submit a Pricing Milk Policy Statement.

Any school which operates a pricing program must provide free milk to eligible children. Applications for free milk must be distributed to all students and completed by their parents or guardians. SFAs electing to provide free milk must submit a free milk policy statement and assure nondiscrimination. If the school offers both the NSLP and SBP and a SMP, it is considered a denial of benefits if free milk is not made available to all who qualify. All children in the same household must receive equal benefits.

## Record Keeping

All records of the SMP must be kept for three years following the end of the fiscal year to which they pertain. The following records must be available for audit and review:

- A daily record of the number of half-pints of milk served to children. Split cartons of milk may be claimed (in this event, the milk claimed will be less than the number of children served). Children may drink more than one half-pint per day, and milk may be offered more than once a day;
- The number of half-pints of milk served free to needy children. This information must be recorded daily by child at the point of service, avoiding overt identification of the child;
- An accounting of milk sold to adults;
- Invoices or billing for milk which justifies the amount claimed for reimbursement;
- Income accruing as a result of payments by children and adults and federal reimbursement; and
- All applications for free milk, both approved and denied.

## Special Projects

If funding is available, institutions and district superintendents, elementary and secondary education directors, vocational directors, and CNP directors/supervisors are sent a notice detailing what grant-type money is available. Information about the nutritional programs is included along with suggestions for projects. Submitted proposals are prioritized, approved, and funded on the basis of established criteria and available money.

## Student, Parent, and Community Involvement in School Food Programs

The SFA shall promote activities to involve children and parents in the meal programs. These activities may include menu planning, enhancement of the eating environment, program promotions, and related student/community support activities. This requirement applies to all programs, including those contracted to school FSMCs and SFAs experiencing management problems.

The school food service programs can also be used to teach children about good nutrition practices. The school faculty and the general community can be encouraged to engage in activities to enhance the programs.

## Students Working in the Meal Service

Recipients of free and reduced-price meals may not be required to work for those benefits; however, they are not prohibited from voluntarily working in the lunchroom.

## Student Workers' Meals

SFAs may serve meals to student workers; however, these meals must be claimed in the student's appropriate eligibility category (not necessarily free).

# T

## Technical Assistance and Training

Technical assistance and training allow the USOE to address specific problems or *requests. A program may need attention* because of needs or goals established by the SFA and/or USOE. Technical assistance and training are also called a TAT visit.

In order for TAT to be more effective, SFAs are grouped into clusters. A state CNP specialist is assigned to a cluster and provides technical assistance, training, or any other service requested by the SFAs. This arrangement is designed for a period of time (three to five years) to allow the specialist to become familiar with SFA programs and operating procedures.

Technical assistance may include monitoring specific programs such as the FDP, the SBP, or the SMP. The critical areas as defined under the CRE may be briefly monitored to assure program integrity and protect the SFA from developing large overclaims in the years between reviews.

Training is available upon request or as the result of a CRE or audit finding. An Annual Regional Training (ART) will be developed and presented to all regions throughout the state.

## Training Opportunities

In addition to the yearly planned education activities, districts and institutions may request in-service workshops and materials. A cadre of trainers is available to teach district personnel a variety of topics. At least one cadre member is assigned to each district. For more information about the trainers or to determine which cadre member is assigned to a district, contact the NET coordinator or a CNP specialist.

## Transported Meals

Transported meals are defined as unitized individual meals, bulk items transported from a central kitchen combined with partial preparation at the receiving satellite, or any combination of these. Meal accountability does not change just because food is transported. Documentation of compliance, along with the meal count, must be available. The Transport Document in the Supplementary Materials section of this manual provides a means of keeping track of this information.

# U

## USDA Commodities

Participating SFAs are expected to accept and use, in as large quantities as possible, foods donated by the USDA for the NSLP. While commodities are not allocated for the SBP, their use in the program is authorized with proper documentation on meal records and inventories. However, additional commodities will not be provided to replace USDA foods used in the preparation of breakfasts. The *Food Distribution Program Administrative Manual* accompanying this manual has more information about this program.

# GLOSSARY OF ACRONYMS

Abbreviations are frequently used throughout this manual. This glossary will help you become familiar with any which may be new to you.

| | |
|---|---|
| **AFDC** | Aid to Families With Dependent Children (old language for FEP) |
| **ART** | Annual Regional Training |
| **CACFP** | Child and Adult Care Food Program |
| **CAP** | Corrective Action Plan |
| **CFR** | Code of Federal Regulations |
| **CNP** | Child Nutrition Programs |
| **CRE** | Coordinated Review Effort |
| **CTV** | Consulting Team Visit |
| **DHS** | Department of Human Services |
| **FDP** | Food Distribution Program |
| **FDPIR** | Food Distribution Program on Indian Reservations |
| **FEP** | Family Employment Program (formerly AFDC; Utah name for TANF) |
| **FIFO** | First In/First Out |
| **FNS** | Food and Nutrition Service (USDA) |
| **FNSRO** | Food and Nutrition Service, Regional Office (USDA—Denver) |
| **F/RP** | Free/Reduced-price (meal eligibility) |
| **FS** | Food Stamp |
| **FSMC** | Food Service Management Company |
| **GAAP** | Generally Accepted Accounting Principles |
| **GED** | General Equivalency Diploma |
| **NET** | Nutrition Education and Training |
| **NSLP** | National School Lunch Program |
| **OCR** | Office of Civil Rights |
| **OMB** | Office of Management and Budget |
| **SBP** | School Breakfast Program |
| **SFA** | School Food Authority |
| **SMI** | School Meals Initiative |
| **SMP** | Special Milk Program |
| **TANF** | Temporary Assistance for Needy Families (federal block grant; FEP in Utah) |
| **TAT** | Technical Assistance and Training |
| **UHT** | Ultra High Temperature |
| **USDA** | United States Department of Agriculture |
| **USOE** | Utah State Office of Education |
| **USRDA** | U.S. Recommended Dietary Allowances |

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**N**

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**O**

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**P**

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**R**

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**S**

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**T**

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**U**

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**V**

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